

Agenda

Board of Trustees

December 10, 2020 | 2:00-3:00 p.m. Eastern
Conference Call

Attendee Webex: [Join Meeting](#)

Call to Order

NERC Antitrust Compliance Guidelines*

Introductions and Chair's Remarks

- 1. 2020 Long-Term Reliability Assessment* – Accept**
- 2. Compliance and Certification Membership* – Approve**
- 3. Other Matters and Adjournment**

*Background materials included.

Antitrust Compliance Guidelines

I. General

It is NERC's policy and practice to obey the antitrust laws and to avoid all conduct that unreasonably restrains competition. This policy requires the avoidance of any conduct that violates, or that might appear to violate, the antitrust laws. Among other things, the antitrust laws forbid any agreement between or among competitors regarding prices, availability of service, product design, terms of sale, division of markets, allocation of customers or any other activity that unreasonably restrains competition.

It is the responsibility of every NERC participant and employee who may in any way affect NERC's compliance with the antitrust laws to carry out this commitment.

Antitrust laws are complex and subject to court interpretation that can vary over time and from one court to another. The purpose of these guidelines is to alert NERC participants and employees to potential antitrust problems and to set forth policies to be followed with respect to activities that may involve antitrust considerations. In some instances, the NERC policy contained in these guidelines is stricter than the applicable antitrust laws. Any NERC participant or employee who is uncertain about the legal ramifications of a particular course of conduct or who has doubts or concerns about whether NERC's antitrust compliance policy is implicated in any situation should consult NERC's General Counsel immediately.

II. Prohibited Activities

Participants in NERC activities (including those of its committees and subgroups) should refrain from the following when acting in their capacity as participants in NERC activities (e.g., at NERC meetings, conference calls and in informal discussions):

- Discussions involving pricing information, especially margin (profit) and internal cost information and participants' expectations as to their future prices or internal costs.
- Discussions of a participant's marketing strategies.
- Discussions regarding how customers and geographical areas are to be divided among competitors.
- Discussions concerning the exclusion of competitors from markets.
- Discussions concerning boycotting or group refusals to deal with competitors, vendors or suppliers.

- Any other matters that do not clearly fall within these guidelines should be reviewed with NERC's General Counsel before being discussed.

III. Activities That Are Permitted

From time to time decisions or actions of NERC (including those of its committees and subgroups) may have a negative impact on particular entities and thus in that sense adversely impact competition. Decisions and actions by NERC (including its committees and subgroups) should only be undertaken for the purpose of promoting and maintaining the reliability and adequacy of the bulk power system. If you do not have a legitimate purpose consistent with this objective for discussing a matter, please refrain from discussing the matter during NERC meetings and in other NERC-related communications.

You should also ensure that NERC procedures, including those set forth in NERC's Certificate of Incorporation, Bylaws, and Rules of Procedure are followed in conducting NERC business.

In addition, all discussions in NERC meetings and other NERC-related communications should be within the scope of the mandate for or assignment to the particular NERC committee or subgroup, as well as within the scope of the published agenda for the meeting.

No decisions should be made nor any actions taken in NERC activities for the purpose of giving an industry participant or group of participants a competitive advantage over other participants. In particular, decisions with respect to setting, revising, or assessing compliance with NERC reliability standards should not be influenced by anti-competitive motivations.

Subject to the foregoing restrictions, participants in NERC activities may discuss:

- Reliability matters relating to the bulk power system, including operation and planning matters such as establishing or revising reliability standards, special operating procedures, operating transfer capabilities, and plans for new facilities.
- Matters relating to the impact of reliability standards for the bulk power system on electricity markets, and the impact of electricity market operations on the reliability of the bulk power system.
- Proposed filings or other communications with state or federal regulatory authorities or other governmental entities.
- Matters relating to the internal governance, management and operation of NERC, such as nominations for vacant committee positions, budgeting and assessments, and employment matters; and procedural matters such as planning and scheduling meetings.

2020 Long-Term Reliability Assessment

Action

Accept the report, endorse the recommendations contained therein, and authorize its publication.

Background

The Long-Term Reliability Assessment (LTRA) is developed annually by NERC in accordance with the Electric Reliability Organization's (ERO) Rules of Procedure and Section 215 of the Federal Power Act, which instructs NERC to conduct periodic assessments of the North American Bulk Power system (BPS). The reliability assessment process is a coordinated reliability evaluation between the Reliability Assessment Subcommittee (RAS), the Regional Entities, and NERC staff. The scope of the LTRA includes the following:

- Review, assess, and report on the overall electric generation and transmission reliability (adequacy and operating reliability) of the interconnected BPS, both existing and as planned.
- Assess and report on the key issues, risks, and uncertainties that affect or have the potential to affect the reliability of existing and future electric supply and transmission.
- Review, analyze, and report on self-assessments of electric supply and bulk power transmission reliability, including reliability issues of specific Regional concern.
- Identify, analyze, and project trends in electric customer demand, supply, and transmission and their impacts on BPS reliability.
- Investigate, assess, and report on the potential impacts of new and evolving electricity market practices, new or proposed regulatory procedures, and new or proposed legislation (e.g. environmental requirements) on the adequacy and operating reliability of the BPS.

Summary

The electricity industry provided the ERO with resource adequacy projections for the 2021–2030 assessment period. The ERO independently assessed these projections and has identified key findings and recommendations. The *2020 LTRA* also includes the ERO's biennial Probabilistic Assessment (ProbA), which provides insights into the ability of the future resource mix to meet the projected demand at all hours. In summary, the ERO found that most areas are projecting to have adequate resource capacity to meet annual peak demands. However, ProbA measures and resource mix trends raise energy adequacy concerns in some areas. Additionally, the latest industry projections of resource additions included in the *2020 LTRA* provide further evidence of the rapid growth of inverter based resources, which must be accurately modeled and coordinated to ensure reliable integration. Efforts are underway to address these risks, and the *2020 LTRA* includes recommendations for industry to help manage reliability and resilience during this period of transformation within the electricity sector.

Compliance and Certification Committee Membership

Action

Approve

Background

The Compliance and Certification Committee is recommending that the Board of Trustees approve the following membership appointment for a three-year term of January 1, 2021 to December 31, 2023.

- Steve McElhaney, Cooperative Energy, At-large