

Confidentiality of Non-public Transmission Function Information

TDIV-05

Version 1.2

March 30, 2020

Document Review History

Version	Date reviewed (MM/DD/YY)	Reviewed by	Description	Manager approval/effective date (MM/DD/YY)	Approving manager
1.0	02/18/16	Matt Lacey	Initial Process - transition from TDOG	02/18/16	Matt Lacey
1.1	11/13/17	Mike Saer	Minor addition under employee reporting requirements	11/14/17	Matt Lacey
1.1	03/13/19	Mike Saer	Annual review, no changes	03/14/19	Matt Lacey
1.2	03/30/20	Paul Hamel	Annual review: <ul style="list-style-type: none"> • Update contact information in Section III • Include copies of posting documentation • Correct minor typos 	03/30/20	Matt Lacey

Versions reviewed annually, not to exceed 15 months.

Any inconsistencies in dating prior to 09/30/2015 are acceptable. All future reviews must follow instructions established in Step 6.0 of TDIV-01, Transmission Division Operating Guideline (TDOG) and Department Process Initiation/Approval

Process description and resources

Process for determining and maintaining the confidentiality of non-public transmission function information in compliance with the requirements of the Federal Energy Regulatory Commission.

Reference documents

Name of document, not version

Transmission Division Operating Guideline (TDOG) and Department Process Initiation/Approval (TDIV-01)

I. PURPOSE

This document provides Great River Energy employees with information to:

1. Identify non-public transmission function information;
2. Determine employee classification as marketing function, transmission function or other;
3. Recognize restrictions on distribution of non-public transmission function information; and
4. Set forth the reporting requirements when the restrictions are breached.

The following processes comply with Federal Energy Regulatory Commission (FERC) Orders 717, 717-A, 717-B, 717-C and 717-D, issued between 2008 and 2011, that establish the Standards of Conduct (SOC) for electric transmission providers. The SOC intend to balance the requirements of limiting access to non-public transmission function information while allowing vertically integrated utilities to perform long-term integrated generation and transmission planning. GRE requires that its employees abide by the SOC.

This document shall not be construed as modifying any existing MISO, utility or other contract to which GRE is a party and that establish the rights and obligations of GRE and the counterparty as it relates to treatment of confidential information, generally, or transmission information specifically. In case of doubt of the applicability of the FERC's SOC rules, seek out a contact listed under Section III.

The term "employee" as used in these guidelines refers collectively to GRE employees, contractors, consultants and agents.

II. FERC STANDARDS OF CONDUCT

Employee adherence to the standards of conduct can be achieved by understanding: 1) what constitutes non-public transmission function information, 2) how employees are classified, 3) to whom non-public transmission function information may be provided, and 4) what to do if non-public transmission function information is provided to a marketing function employee.

A. IDENTIFYING NON-PUBLIC TRANSMISSION FUNCTION INFORMATION

Non-public transmission functions are real-time operations and decisions made in advance of real-time but directed at real-time operations. A GRE employee's exposure to non-public transmission function information is exclusive to the data associated with these actions.

In contrast, a study by GRE transmission planning, on behalf of GRE resource planners, to determine the need for network upgrades of a proposed generator is not a transmission function; it is a part of long range integrated generation and transmission planning, not day-to-day transmission operations, and is permissible.

B. DETERMINING EMPLOYEE CLASSIFICATION

Employees are classified based on their day-to-day job responsibilities. The employee categories are transmission function, marketing function, and other. In determining an employee's classification the key question is *“does the employee actively and personally engage in either short-term real time transmission operations or marketing functions on a day-to-day basis?”* An employee not actively engaged in performing short-term real time transmission operations or marketing functions on a day-to-day basis is classified as “other”.

1. Transmission Function Employee

For purposes of these standards of conduct, transmission function employees are those employees that actively direct, organize or engage in short-term real time transmission operation functions on a day-to-day basis. GRE transmission function employees generally include system operations employees, including:

- Control center operations;
- Utility application services support;
- Operations engineering; and
- System operations compliance specialist.

2. Marketing Function Employee

For purposes of these standards of conduct, marketing function employees are those employees that, on a day-to-day basis, actively and personally engage in the sale for resale in interstate commerce (e.g. wholesale sales to another utility), or the submission of offers to sell in interstate commerce (e.g. MISO), electric energy or capacity, demand response, virtual transactions, or financial or physical transmission rights. Furthermore, employee making business decisions about nonprice terms and conditions (e.g. delivery or hub locations) of a contract can be considered a “marketing function employee” because the employee is actively and personally engaged in marketing functions. However, an employee who simply drafts or redrafts a contract, including non-price terms and conditions, without making business decisions is not a “marketing function employee.”

Employees solely responsible for purchasing on behalf of GRE are not a marketing function employee.

3. Other Employee

Any employee not classified as either a transmission function or marketing function employee is classified as “other.”

C. THE INDEPENDENT FUNCTIONING RULE

The SOC requires that transmission function employees function independently from marketing function employees. For example, marketing function employees are prohibited from conducting transmission functions, e.g. performing short-term real time transmission system operations. Likewise, transmission function employees are prohibited from conducting marketing functions, e.g. making offers to sell energy or capacity to third parties or into the wholesale market.

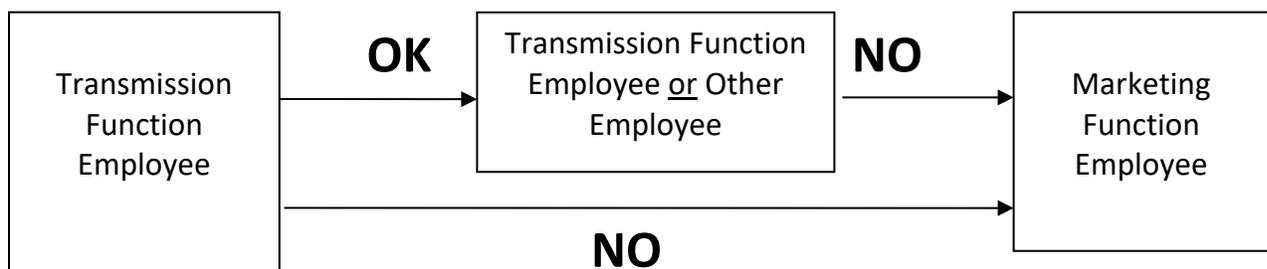
However, coordination between transmission function and marketing function employees is permissible for development of reliability standards, discussion of RTO and ISO issues, participation in regulatory and compliance functions, and disaster/outage preparedness training if non-public transmission function information is not exchanged between them.

The SOC prohibit marketing function employees from accessing GRE’s transmission system control centers.

D. DISTRIBUTION OF NON-PUBLIC TRANSMISSION INFORMATION

The distribution of non-public transmission function information is governed by the "No Conduit Rule," which prohibits the sharing of non-public transmission function information with a marketing function employee (except in specific situations discussed later). Figure 1 illustrates the acceptable communication of non-public transmission function information between GRE employees.

Figure 1 – Permissible Flow of Non-Public Transmission Function Information



1. Exceptions Allowing Market Function Employees Access to Non-Public Transmission Function Information

A transmission function employee may share non-public transmission function information with a marketing function employee when the information is required to:

- a) Comply with reliability standards approved by the FERC, the North American Electric Reliability Corporation (NERC), or the Midwest Reliability Organization (MRO); or
- b) Maintain or restore operation of the transmission system or generating units.

When information is shared pursuant to one of the exceptions, the transmission function employee must make and retain a contemporaneous record of the exchange (except in emergency circumstances, in which case a record must be made of the exchange as soon as practicable after the fact). The record may consist of hand-written or typed notes, electronic records such as e-mails and text messages, recorded telephone exchanges, etc., and must be retained by GRE for a period of five years. GRE's system operations department maintains a record of the event. The recording and storage procedures are documented in the *Guide for Logging Events* in the system operator notes.

E. REPORTING REQUIREMENTS

1. Employee

An employee identifying that non-public transmission function information has been provided to, or obtained by, a marketing function employee, is required to notify the contact in Section III and complete the attached "Notification of Non-Public Transmission Function Information Disclosure." An exclusion exists for a situation in which a transmission function employee discusses with a marketing function employee a specific request for transmission service submitted by the marketing function employee.

2. GRE

When GRE learns a marketing function employee has obtained non-public transmission function information we will post notice of the disclosure on our OASIS page and will include the disclosed data. However, for critical energy infrastructure information (CEII) or information with limits on its distribution, GRE will indicate that confidential, non-public information has been disclosed, but will not release the specific information.

GRE also posts the following information:

1. GRE's written procedures implementing FERC SOC;
2. The facilities where transmission and marketing function employees share a building;
3. The job titles of transmission function employees;
4. Notice that a transmission function employee has become a marketing function employee, and vice versa;
5. Notice of any infractions; and
6. Name and contact information of the person responsible for GRE's compliance with FERC SOC.

Posting requirements may be suspended in the event of an emergency (flood, fire, etc.) that disrupts normal operations. However, if a disruption lasts longer than one month GRE will notify FERC that the suspension of the posting requirements is continuing.

III. CONTACT

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IV. DEFINITIONS

Employee function separation –The method of classifying GRE employees as transmission function, marketing function or other, based on the employee’s day-to-day responsibilities.

Marketing function employee – An employee that, on a day-to-day basis, is involved in the selling, or offering to sell, GRE capacity, energy, financial transmission rights, etc. Employees that are responsible only for purchasing on behalf of GRE are not a marketing function employee.

Midcontinent ISO (MISO) – The Midcontinent Independent System Operator, Inc. or its successor organization.

Non-public transmission function information – Information regarding the real-time, or near real-time operations of the transmission system.

Transmission function employee – An employee that actively directs, organizes, or engages in short-term real time transmission operation functions on a day-to-day basis.

Notification of Non-Public Transmission Function Information Disclosure

Date:

Transmission function employee name:	Transmission function employee department:
Marketing function employee name:	Marketing function employee department:
Date of disclosure:	
Description of non-public transmission function information disclosed:	
----- For use of GRE Compliance Officer ----- -----	
Date posted to MISO OASIS page:	