RTO West Liability and Risk Management Work Group
Proposed Strategies to Manage RTO West Credit Risk Issues

PROPOSED STRATEGY *(Identify proposed strategy)*	**PROBLEM ADDRESSED** *(Identify how the proposed strategy would be implemented and what it is designed to accomplish)*	**POTENTIAL CONSEQUENCES/PROBLEMS** *(Describe likely consequences and policy implications)*	**IMPLEMENTATION STEPS AND RESPONSIBLE PARTIES** *(Describe any tasks remaining to carry out strategy and party expected to perform the tasks)*
1. <u>Rigorous SC Credit Standards</u>: Rigorous RTO West SC Credit Standards (the "Credit Standards") will be proposed to minimize financial risk faced by RTO West and the Filing Utilities with respect to purchases of Imbalance Energy[1]. (See attached sample set of credit standards, originally submitted by PacifiCorp on June 6, 2001, with comments incorporated on June 19, 2001 (the "Proposed Credit Standards").)	*Rigorous Credit Standards would:* • Afford RTO West the ability to manage financial liability that may arise if FERC requires RTOs to serve as a partial or absolute providers of last resort of Imbalance Energy; • Reduce RTO West's monetary exposure for the purchase and provision of Imbalance Energy, especially during times of high volatility and unpredictability in the price of Imbalance Energy in the market; • Reduce the Filing Utilities' monetary exposure where both RTO West and the SC are unable to pay for Imbalance Energy liabilities; and • Reduce the likelihood for increased rates for transmission service due to increased RTO, generator, and transmission owner exposure to financial liability.	*Rigorous Credit Standards could result in the following:* • A large number of SCs may be unable to qualify, which may result in a limited number of available SCs.	• Work group to complete draft SC credit requirements • Group responsible for scheduling coordinator tariff appendix to evaluate and incorporate draft SC credit requirements as appropriate

[1] Imbalance Energy, as defined in Schedule 4 of Order No. 888-A's *pro forma* OATT, is energy "provided when a difference occurs between the scheduled and the actual delivery of energy to a load located within a Control Area over a single hour." A transmission provider is required to offer Imbalance Energy service "when the transmission service is used to serve load within its Control Area." Order No. 2000 requires an RTO to have "adequate arrangements" in place to provide ancillary services, but affords the RTO some measure of flexibility to meet these obligations, "including contractual arrangements, indirect or direct control of specified generation facilities, and market mechanisms."

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2. <u>Metering Capabilities and Billing Cycle</u>: **a. Minimum Metering Requirements:** SCs should be responsible for providing the metering capability to measure Imbalance Energy for each SC on a daily or weekly basis. **b. SCs Without Adequate Metering:** The Credit Standards should provide for the following: • Limitations on the involvement of SCs without sufficient metering capabilities; • Pooling SCs without sufficient metering capabilities to share in the cost of the credit risk with other similarly situated SCs; and • Increased collateral deposits from SCs without sufficient metering capabilities. **c. Billing Provisions:** Assuming adequate metering is in place, the Credit Standards should provide for a short billing cycle under which: • SCs could be required to rapidly pay for any Imbalance Energy services used (e.g. on a weekly basis) in lieu of increasing their collateral; and • RTO West could charge or credit SCs for the cost of working capital based on the difference between actual and scheduled quantities, so SCs are discouraged from underscheduling to take advantage of any float.	*Minimum Metering Requirements, together with adequate Metering and Billing Provisions in the Credit Standards would:* • Reduce RTO West's monetary exposure for the purchase and provision of Imbalance Energy, by minimizing the outstanding amounts owed by SCs for Imbalance Energy; • Reduce the Filing Utilities' monetary exposure where both RTO West and the SC are unable to pay for Imbalance Energy liabilities; • Provide RTO West the ability to quickly identify, disqualify, and/or disconnect SCs that are failing to pay, failing to meet credit standards, or fast-approaching financial distress; and • Prevent RTO West from being required to float large amounts of credit for months at a time. • Allowing SCs the economic choice to either increase collateral or to rapidly pay for Imbalance Energy services used, may help to ease some of the liquidity pressure an SC may otherwise face through weekly capital outlays.	*Minimum Metering Requirements, together with adequate Metering and Billing Provisions in the Credit Standards could result in the following:* • The cost of participating in the RTO will increase as the cost of additional metering increases; and • Metering requirements may put an SC under liquidity pressure because the SC will be paying the RTO for Imbalance Energy on a weekly basis and may be collecting from customers on a monthly basis.	• Minimum metering requirements to be specified in scheduling coordinator tariff appendix (or by reference to separate metering appendix) - *<u>responsibility</u>*: groups with task of drafting scheduling coordinator tariff appendix (in coordination with metering appendix group if necessary • Credit standards in scheduling coordinator tariff appendix to create linkage between metering capability, settlement period, and collateral requirements - *<u>responsibility</u>*: Liability and Risk Management Work Group (**done**) • Billing and Settlements tariff appendix to provide for option to more rapidly settle imbalance energy charges *<u>responsibility</u>*: Billing and Settlements Work Group

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3. <u>Facilitate Development of a Demand Market (paid voluntary load shedding):</u>	**Problem:** Under the current structure, the only resources the ISO can use to achieve system balance are generation resources and demand resources that have the ability to act respond exactly like generation. This moves the Imbalance Energy "market" outside of the realm of an actual market and into a scenario where in generation shortages, load (and the RTO) are forced to take these resources at any price (both for balancing load/resources and for responding to residual congestion). Creates possibility of very high price spikes. **Implementation:** Add an additional voluntary product to the ancillary services portion of the tariff. Base it on a design with characteristics that allow a broad set of load to participate along with things like back-up and distributed generation, energy storage, etc. Also would need to develop physical infrastructure to enable participation BEFORE the RTO start-up to really make it a significant resource.	• Allows consumers to decide whether to forego consumption or consume power based on the value of foregoing consumption. • Creates competition between demand and generation that should result in demand response where price spikes occur thereby reducing the amount and cost of imbalance energy needed to balance schedules. • Discomfort on part of operators in using these resources (may feel "less reliable") • Gives some load the ability to say "no" to generation above a certain price • Creates ability for new technology that cannot respond like traditional generation to play a role in the market • Need for additional metering capabilities • Increased reliability in very tight operation conditions • Employs "Energy Web" concepts by integrating information technology, market principles, and existing infrastructure to create some elasticity in demand • Would focus region a little more on the capabilities that demand resources can bring • Could provide solid information to consider demand alternatives to building transmission in the planning process	• Responsibility of RTO West Board of Trustees to decide upon and implement policies to support or facilitate demand market

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4. Healthy Market for Hedging Ancillary Services (Imbalance Energy) Price Risk	**Problem:** The ability to manage price risks efficiently will help manage credit risk arising from high, volatile power prices that may arise from time to time. Efficient hedging tools can be used to shift price risk from those unwilling to bear it (Scheduling Coordinators, for instance) to those willing to bear that risk (speculators and market participants with a counter position). In California, utilities were unable to hedge price risk effectively for a variety of reasons, including institutional resistance from regulators. One possible strategy for an SC that is having financial difficulties would be to require that SC to purchase appropriate hedging instruments to protect it from excessive losses from, say, imbalance energy markets run amuck. **Implementation:** Development of a financial market for hedging instruments (options, futures contracts, swap agreement, contracts for differences, etc.) should be encouraged to assure effective hedging devices are available for those that want them.	• Creates a method of shifting price risk to those willing to accept it. • Allows credit risk to be allocated to a broader pool of market participants and speculators than would otherwise be the case, thereby dispersing credit risk. • Promotes efficiency in pricing as financial markets tend to discipline prices through arbitrage and other techniques thereby improving pricing efficiency. • Utility commissions must allow the costs of hedging to flow through to ratepayers—even if the hedge turns out to be an unnecessary expenditure where prices move favorably, thereby making the hedge unnecessary.	• Responsibility of RTO West Board of Trustees to decide upon and implement policies to support external market for hedging products • Market participants must work with each other to develop hedging products and markets for trading them • Utility commissions must develop policies that allow utilities to recover for reasonable hedging expenses

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5. <u>SC Suspension</u>: An SC may be temporarily or permanently suspended from the ability to submit further schedules to RTO West where the SC (i) Fails to pay for Imbalance Energy; and/or (ii) Fails to meet or continue to meet the Credit Standards.	*Disqualification and Disconnection Provisions in the Credit Standards would:* • Minimize the credit risk of SC nonpayment by either not qualifying certain SCs or by being able to temporarily or permanently suspend SCs before there is significant risk of a large default.	*Disqualification and Disconnection Provisions in the Credit Standards could result in the following:* • A large number of SCs may be suspended, which may result in a limited number of available SCs; • Problems finding SC services for the existing customers of the disqualified or disconnected SC, and problems associated with use of a Default SC; • Political Concerns: Political pressures may prevent the RTO from suspending service to an SC, even where a provision exists allowing it to do so (e.g. where an SC will be unable to acquire the energy needed to meet all of its load service obligations, the State may not support a termination); • Legal Concerns: States may need to become involved in developing applicable rules and legal authority for suspending RTO service to SCs; and • Tariff Concerns: RTO West could be required to obtain FERC's permission prior to suspending a Transmission Customer's service for failure to pay for service provided, as provided in Article 7.3 of the *pro forma* OATT (which requires a transmission provider to obtain FERC's permission before terminating service to a customer after failure to pay for service provided).	• Credit standards in scheduling coordinator tariff appendix must create clear right of RTO West to suspend or disqualify delinquent SCs - *<u>responsibility</u>*: Liability and Risk Management Work Group (**done**) • Federal and state regulators and policymakers must support policies that allow RTO West to protect itself from becoming a de facto load serving entity because of an unlimited obligation to supply imbalance energy

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6. <u>Backup/Default SC</u>: The Credit Standards should provide for a backup or default SC ("Default SC") to serve existing load when an existing SC is disqualified or disconnected. The Default SC should not be obligated to assume the obligations of the SC it replaced, and the loads will be required to enter into new contracts with the Default SC. Options for Default SCs include the following: (i) the State; (ii) an Incumbent Utility; and/or (iii) a RTO Subsidiary.	*Use of Backup/Default SCs would:* • Limit or eliminate the question of what to do with an SC's customers once the SC has been disqualified or disconnected, and make it more feasible to disqualify or disconnect an SC.	*Use of Backup/Default SCs could result in the following:* • Customers may be required to enter into new contracts with the Default SC, which would result in the imposition of potentially different contract terms and less favorable financial positions; • A Default SC may be unwilling to assume some existing customers or existing agreements of the disqualified or disconnected SC; • The Default SC may be the same entity as the disconnected or disqualified SC; • Using an RTO West Subsidiary as a Default SC raises concerns related to the RTO's potential role as provider of last resort of Imbalance Energy and the RTO may not have sufficient financial resources to be a Default SC; and • The State may have political issues with assuming the disqualified or disconnected SC's obligations.	• RTO West will need to identify a party or parties willing and able to serve as Default SCs and enter into appropriate agreements with these parties • RTO West tariff must provide for RTO West's right to substitute Default SC for disqualified SC – *<u>responsibility</u>*: Group responsible for drafting scheduling coordinator tariff appendix

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7. <u>RTO Owning Generation for Peaking Needs</u>	**Problem:** The RTO, in its role of provider of last resort, needs to be able to provide its SCs with access to <u>reasonably priced</u> energy imbalance resources. If it cannot do so, the risk of financial defaults by SCs goes up substantially as do the risks of cascading financial events that will impact PTOs, generators, and load. Under the current design, the RTO is at the mercy of whatever prices bidding generators choose to charge for supplying Imbalance Energy and therefore has very little ability to impact this risk. **Implementation:** The RTO would purchase a resource(s) and set a rate at which to bid it into the market through a rate case. Resources may need to be acquired in different zones to really make this approach effective. Could try to require that the Energy Imbalance be supplied a cost-based rate to the market. Would need to address transmission rights for RTO West if it is to be able to move its Energy Imbalance resource from zone to zone.	• Makes the RTO a market participant • Could create a bias for the RTO to use its own resource over others • Would assure that some generation is "reserved" to provide energy imbalance • If all market participants are self-providing, would "strand" the generation asset • If RTO cannot use the resources for purposes other than Imbalance Energy, a portion of the resource is likely to be wasted on many on hours when it is not fully needed. • Zonal changes and load growth would cause the ISO to need to continue to remain in the generation acquisition business long-term • RTO West would need transmission rights to be able to move Imbalance Energy from zone to zone.	• Responsibility of RTO West Board of Trustees to determine whether to implement a policy to purchase generation resources to meet peaking needs and to obtain any necessary regulatory approvals to do so
8. <u>SCs Collateral Deposits</u>: **a. Collateral Requirements:** The Credit Standards should require the SC to post or increase collateral under any of the conditions outlined in the Proposed Credit Standards. Collateral will be required and/or increased in the following cases: • SC does not meet the minimum Credit Standards; • RTO West's total Credit Exposure to the SC exceeds the SC's unsecured credit limit as established according to the Credit Standards; • SC experiences a Material Adverse Change or	*SC Collateral Deposits would:* • Minimize the credit risk of SC nonpayment.	*SC Collateral Deposits could result in the following:* • A large number of SCs may be unable to meet collateral requirements, which may result in a limited number of available SCs; and • Collateral increases, e.g. due to regular margin calls, may put an SC under liquidity pressure.	• Credit standards in scheduling coordinator tariff appendix to specify collateral requirements - *<u>responsibility</u>*: Liability and Risk Management Work Group (**done**)

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fails to provide RTO West sufficient relevant credit and financial information on an ongoing basis; • SC fails to provide RTO West sufficient relevant Imbalance Energy information on an ongoing basis; • Margin calls, or a similar mechanism, indicate additional automatic cash movement is necessary to cover Imbalance Energy costs that exceeds daily or weekly limits; and/or • The SC does not have adequate metering in place. **b. Amount of Collateral Required:** • The amount of the required collateral will be based on (a) a reasonable estimate of the quantity of Imbalance Energy expected to be used, (b) the estimated market price of such energy, and (c) the amounts actually owed based on meter data. • The issue is whether the estimate of Imbalance Energy should be either (a) sufficient to cover the reasonable level of Imbalance Energy based on the RTO West billing cycle, or (b) sufficient to cover the SC's entire load based on the RTO West billing cycle. **c. <u>Collateral Deposit Payment Timetable</u>:** • SCs shall be required to post collateral deposits with RTO West prior to entering into an SC Agreement. Collateral deposit increases and/or adjustments must be received within [two days]			

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of a request from RTO West. Collateral deposits must be established, maintained or extended within [five days] of expiration of a collateral deposit. **d. <u>Return of Collateral to SCs</u>:** • The RTO should be required to pay interest on an SC's collateral deposits, and to return collateral deposits when they are not used or exceed the required collateral deposit.			
9. <u>SC Penalties for Failure to Meet Load</u>: The Credit Standards should contain economic disincentives to use Imbalance Energy or to underschedule. (For further details, see attached "Disencentives for Inappropriate SC Use of Imbalance Energy," originally submitted by PacifiCorp on July 20, 2001, with July 11, 2001 BPA and Credit Meeting revisions incorporated.) **a. Two-Tiered Structure:** The Credit Standards will provide for a two-tiered structure of charges with respect to Imbalance Energy. This will permit an SC to incur a limited amount of Imbalance Energy liability with a small charge with respect to Market Price, which will account for reasonable forecasting and other errors. If an SC exceeds a certain range, the SC will be required to pay a harsher penalty. **b. Self-Provision:** SCs will be allowed to trade imbalances to reduce the amounts that they will pay the RTO or will be	*Penalties and Disincentives for Failure to Meet Load would:* • Create disincentives for SCs to use Imbalance Energy to service their load obligations and encourage SCs to submit balanced schedules; • Impose the cost of Imbalance Energy on the parties who create the problem; and • The fund would minimize the credit risk associated with SC nonpayment.	*Penalties and Disincentives for Failure to Meet Load could result in the following:* • High penalties could cause SCs to go into default; however, removing those SCs may be beneficial. • Implementing a penalty percentage based on the full market cost to the system leads to questions regarding: (1) the ability to determine after-the-fact how much energy was used to relieve real-time congestion versus to serve the difference between schedule and actual; and (2) whether the SC outside the spread should pay the higher price for just their portion or for the entire portion.	• Liability and Risk Management Work Group to develop policies designed to further credit-related objectives; to coordinate with Content Group working on market design and ancillary services to develop final recommendation on imbalance energy incentive provisions

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paid by the RTO for Imbalance Energy. Self-providers would have the energy they provide set off against their imbalances to determine their net imbalance. A different penalty may apply for self-provision due to the possible strain that may be placed on the system. It remains undecided whether an SC will be allowed to trade unreasonable imbalances that would otherwise be subject to a penalty. **c. Penalty for Unreasonable Imbalances:** A penalty will apply for both (i) load demand in excess of [ten (10) percent] scheduled; and (ii) Imbalance Energy furnished by RTO West in excess of [ten (10) percent] of the schedule. The penalty could be very high, such as an additional 50 percent mark-up. **d. Calculating the Penalty:** The penalty will be calculated based on a forecast of Imbalance Energy to be used for the year, and will be adjusted annually. The money collected by the RTO, which exceeds the amounts it pays for Imbalance Energy, will be deposited in a fund to cover SC defaults and/or to reward SCs who are scheduling within the spread.			

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10. <u>SC Disconnection</u>: The Credit Standards will allow RTO West to terminate Imbalance Energy service for any or all of the following reasons: (1) SC's failure to pay; (2) SC's failure to meet credit standards; (3) Failure to meet collateral requirements; or (4) Other financial reasons, including a SC's Material Adverse Change evidencing a risk of either 1 or 2.	*Disqualification and Disconnection Provisions in the Credit Standards would:* • Minimize the credit risk of SC nonpayment by being able to terminate service to an SC's load before there is significant risk of a large default.	*Disqualification and Disconnection Provisions in the Credit Standards could result in the following:* • A large number of SCs may be disconnected, which may result in a limited number of available SCs; • Problems finding SC services for the existing customers of the disqualified or disconnected SC, and problems associated with use of a Default SC; • Political Concerns: Political pressures may prevent the RTO from terminating service to an SC's load, even where a provision exists allowing it to do so (e.g. where an SC will be unable to acquire the energy needed to meet all of its load service obligations, the State may not support a termination); • Legal Concerns: States may need to become involved in developing applicable rules and legal authority for terminating RTO service to SCs' loads; • Physical Disconnection Concerns: RTO West must be able to physically disconnect an SC's load, which will require appropriate operational switching mechanisms—though the threat of disconnection may be sufficient to promote SC compliance; and • Tariff Concerns: RTO West could be required to obtain FERC's permission prior to terminating a Transmission Customer's service for failure to pay for service provided, as provided in Article 7.3 of the *pro forma* OATT. • RTO as Market Participant Concerns: The RTO will not be protected where disconnection would result in the RTO acquiring a load service obligation (e.g. where no Default SC is available).	• Credit standards in scheduling coordinator tariff appendix must create clear right of RTO West to terminate service to delinquent SCs - *<u>responsibility</u>*: Liability and Risk Management Work Group (**NOT done – only disqualification of SC is specified in credit requirements**) • Federal and state regulators and policymakers must support policies that allow RTO West to protect itself from becoming a de facto load serving entity because of an unlimited obligation to supply imbalance energy or to continue serving customers of delinquent SCs

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11. <u>Increase RTO's working capital or capital reserves</u>	**Problem:** The settlements process contains a very quick turn-around between RTO receipt of dollars and the time at which they need to pay them out. If there is a shortage of revenue, the RTO has no ability to cover (except through immediate borrowing) the money owning to SCs, so the consequences of the revenue shortage flow immediately to the market, thereby creating substantial "creditworthiness" impacts. **Implementation:** Funds could be collected in the RTO's uplift charge or through penalties to those who overuse Imbalance Energy. In cases of revenue shortfalls, the fund could be drawn upon to allow 100% payment of the funds owing to SCs. Probably should define dollar level at which there is too much money in this fund and how that situation would be addressed. Tariff would need to reflect this capability.	• The region pays for revenue shortage problems before they actually occur. Adds an additional cost. • Could help improve RTO's credit standing? • Might slightly lower bids if generators decreased their assessment of the risk of doing business in the RTO West market. • Provides for some stability of the financial side of the energy imbalance market in the case of a delay in payment or a default.	• Responsibility of RTO West Board of Trustees to determine working capital requirements and to establish the means for funding working capital requirements • RTO West tariff may need to include provisions to facilitate funding of increased working capital requirements to address credit issues
12. <u>Set up ability to recover costs quickly through rates (emergency assessment)</u>	**Problem:** If a cash flow problem were to develop because of financial problems, RTO West may need cash for operations. Rather than incurring the cost of maintaining large cash reserves, it may be more efficient to seek advance approval from FERC rates that would go into effect automatically if a credit event were to happen. **Implementation:** RTO West should develop an automatic adjustment provision in its rate structure to accommodate the need for cash if a credit event were to occur.	• The ability to raise cash quickly through an automatic rate increase may help RTO West adjust to a credit event. An automatic rate adjustment may not generate cash quickly enough to solve a cash shortfall without other tools; nevertheless, it is another tool to use to manage a credit event.	• RTO West tariff would need to include provisions allow RTO West to vary its charges without amending the tariff itself • FERC would need to approve tariff provisions allowing for adjustable charges

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13. <u>Allow RTO West to take a long forward position in the energy market up to 90 days.</u>	**Problem:** For a variety of reasons, RTO West may be required to get into the energy markets as an aspect of its obligation to act as a supplier of Ancillary Services as a last resort. If it is limited to day ahead or next hour purchases, generators may have market power to exact exorbitant rents. This proved to be a huge problem in the California markets. To defeat such strategies by generators, RTO West should be allowed to take forward positions up to 90 days. **Implementation:** Make clear in the TOA that RTO West may take forward positions in the energy markets to purposes of protecting itself from energy supply or price risk.	•Raises the concern that RTO West is in the energy business, although this proposal is limited to providing transmission products and it limited in time to 90 days. •If RTO West is risk averse, it may enter into forward contracts to protect against low probability events, thereby raising costs. •The TOA may have to be revised to allow RTO West to be in the energy markets for 90 days.	• TOA may need to be revised to allow RTO West to be in the energy markets for up to 90 days – <u>*responsibility*</u>: Filing Utility representatives with task of prepared revised form of TOA for December 1, 2001 FERC filing
14. <u>Means to Recover Uncollectible SC Debts</u>: (1) Spread cost of default to all users. (2) RTO has ability to recover shortfall quickly	• Gives the RTO an alternative to bankruptcy where there are major defaults; reduces need for capital reserves	• Since no potential payer is at-fault, broad socialization of these costs may be justified. Some potential payers may not be included in this socialization, (*i.e.*, any parties that are not subject to the RTO West uplift charge).	• RTO West tariff "uplift" provisions would need to allow RTO West to charge transmission customers for uncollectible SC debts - <u>*responsibility*</u>: RTO West Pricing Content Group or RTO West Board of Trustees of policy not specified by Pricing Content Group
15. <u>After the RTO purchases imbalance energy, the RTO auctions the power to another party to transfer the accounts receivable risk from the RTO to the outside party:</u> (1) As an example: a. The RTO purchased $100 of power and charges the Scheduling Coordinator a $5	*Reselling imbalance energy would:* • Spreads the risk of collections from the RTO to outside parties. • Allows the Scheduling Coordinator the ability to buy the contract at full price and avoid any additional penalty.	*Reselling imbalance energy could result in:* • The RTO trading arm would be purchasing and selling on behalf of the RTO, very similar to a regular trading entity. • The credit strength of a Scheduling Coordinator is tested by the true market, since the third party purchaser of the auctioned power will be extending	• A full trading entity would need to be established for the imbalance energy transactions. A minimum floor could be defined so that the Scheduling Coordinator would

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fee for a total of $105. b. The RTO auctions the power and sold it to a third party for $100 payable immediately to the RTO. c. The Scheduling Coordinator owes the third party $105 and owes the RTO $5. d. This scenario allows the RTO to recoup 95% their cash immediately and transfers the risk of collections to the third party. e. This proposal is similar to Accounts Receivable factoring, except the RTO's responsibility for payment to the third party purchaser is transferred to the Scheduling Coordinator.		the trade credit to the Scheduling Coordinator. • This proposal would create a new market for the auctioned power contract.	not be penalized more than 10%.