

Key Interests to Address Through RTO West Tariff ADR Provisions

- Uniformity of ADR provisions among RTO West documents (*e.g.*, Bylaws, Transmission Operating Agreement, Agreement Limiting Liability Among RTO West Participants, Tariff, GIA, and LIA) - discourage forum shopping to take advantage of different ADR rules in various documents
- A level playing field (all potential RTO West participants and customers, whether in U.S. or Canada, whether publicly owned, federal, or private, will be subject to the same rules)
- Fairness (not imposing unreasonable terms on the ability to participate in RTO West or the ability to obtain transmission service from RTO West)
- Predictability and consistency in process and outcomes; a known and clear set of procedural rules (discovery, intervention, hearing rights, rules of evidence, standard of review, scope of review, effect of arbitration decision pending appeal, etc.)
- Quick resolution of disputes
- Avoiding potential overlaps or uncertainty in jurisdiction over disputes – objectives:
 - limit risk of conflicts, unpredictable outcomes, and potential for forum shopping
 - prevent opportunity to seek “home town” decisions
- Ability to address directly to FERC those issues that are inherently matters of FERC policy if both parties agree
- Avoiding delay or undue influence by intervenors with no direct interest (clearly defining intervenor rights and avoiding intervenor ability to modify scope of dispute or override agreements of disputing parties about procedural matters; distinguishing between those who want information only versus those who need a remedy)
- Adequate recourse from “bad” decisions by appeal to FERC (or, in limited cases where necessary, to another authority with jurisdiction over the dispute)
- Clarity and flexibility in appeal rights to provide reasonable protections while avoiding unnecessary delay or duplication or unfair “second bites at the apple”