

DRAFT

ADR Committee
(for tariff disputes)

Proposal:

The RTO West Board of Trustees shall establish a Tariff Alternative Dispute Resolution Committee pursuant to Article VII, Section 1 of the RTO West Bylaws. Section 5 of Article VII is available for this purpose. The ADR Committee would be responsible for implementing the tariff ADR process including adoption and modification of RTO West ADR Procedural Rules in conformance with the requirements of the RTO West Tariff, including meeting formal dispute notification requirements. The ADR Committee would also establish a list of approved arbitrators (and mediators?), which the Committee would make available to disputants.

The Tariff Alternative Dispute Resolution Committee would be comprised of two members appointed by a majority of the RTO West Board of Trustees and three members elected by a majority of the Trustees Selection Committee.

Tariff Alternative Dispute Resolution Committee members shall serve a two-year term. Such terms shall be staggered such that each year the term of one of the appointed Trustees shall end, and the term of one of the elected Trustees Selection Committee members shall end in even numbered years and the term of two of the elected Trustees Selection Committee members shall end in odd numbered years. Vacancies shall be filled as provided above.

Selection of arbitrators (and mediators?) for addition to the approved list shall be accomplished by majority vote of the Tariff Alternative Dispute Resolution Committee.

The RTO West Bylaws may also have to be revised to provide the Trustees Selection Committee with this additional committee appointment authority.

Limitations: To the extent that limitations on procedural changes are needed they should be specified in the Transmission Operating Agreement. The Trustees should have the authority to file for needed ADR changes at FERC based on lessons learned from use of the process, but it must also be made clear that Parties should not be allowed to modify the requirements of the ADR Procedures as adopted by the ADR Committee in conformance with the requirements of the RTO West Tariff.

Notes: An alternative that would provide different constraints to procedural changes for the ADR Committee might be to set it up as a part of RTO West's Articles of Incorporation instead of the Bylaws.

Also a committee structure more similar to the Market Monitoring Committee could be established.