



PJM Committee Procedures Majority Report

Electricity Markets Committee	State Access to Confidential Data	EMC009
<p>EMC Action – Several stakeholder meetings were held by PJM at which principles governing state PUC access to PJM confidential data were discussed. These principles were then presented by the state PUCs to the Electricity Markets Committee meeting on December 17, 2003, with a revised version presented to the Members Committee for its general endorsement on December 18, 2003. The Members Committee unanimously adopted a resolution of general endorsement of the principles and directed the formation of a drafting committee to draft appropriate Operating Agreement changes and related documents for subsequent Members Committee Review authorizing state PUC access to confidential data under defined circumstances. .</p> <p>The drafting team developed a proposed non-disclosure agreement, a proposed certification document, and proposed changes to the Operating Agreement and presented them at the March 03, 2004 meeting of the Electricity Markets Committee and asked for endorsement.</p> <p>The EMC raised several discrete concerns regarding specific provisions within the documents, and unanimously endorsed the documents and OA changes with the understanding that such concerns raised will be addressed in the documents as will be presented to the MC at their March 2004 meeting. Copies of the documents, as endorsed, are attached.</p> <p>The Electricity Market Committee recommends that the Non-Disclosure Agreement, Certification, and Operating Agreement revisions be approved by the Members Committee.</p>		
<p>Target FERC Filing Date – March 31, 2004</p>		<p>Target Effective Date – April 1, 2004</p>
<p>Majority Position – The EMC unanimously endorsed the proposed documents and OA changes, with the following comments to be addressed by the drafting committee:</p> <ol style="list-style-type: none"> 1. Contractors of the State can view confidential data. Section 3.2 2. No disciplinary procedures included for Authorized Persons that disclose confidential data. Section 4.1 3. Representations of the Authorized Person should bind the Commission. Section 2.1 4. PJM should provide written confirmations of identify of Authorized Persons. Section 2.5.2 5. Commission shall notify PJM of changes in an Authorized Person’s employment status. Section 2.5.3 6. Qualifications on the basis for objection to an Information Request removed. 		



Section 3.3.2

7. No record kept of oral requests/disclosures. Section 3.2
8. PJM is required to respond to a written request within 5 days, and an affected member has to object within 4 days. There needs to be a procedure that ensures that an affirmative decision has been made by an affect member to not object prior to PJM producing the requested information. Section 3.3.1
9. Not clear whether PJM has to respond in 5 days (static) or whether the timeframe is subject to tolling in the instance of an objection. Section 3.3.1 & 3.3.2.
10. FERC jurisdiction is prescribed in an area that FERC can not provide necessary relief. Section 5.
11. There is no limit on the nature of amendments. Section 11.
12. The reservation of ownership and privilege language found in Section 2.6 of the NDA should be included in the Certification.
13. The Certification should run to and for the benefit of the Affected Members (in addition to PJM).

Minority Position – none.