

Summary of “Data Collection for Analytics and Surveillance and Market-Based Rate Purposes”

FERC Docket No. RM16-17-000 (the New NOPR)

Skadden

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Overview

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- FERC has withdrawn the previous Connected Entity NOPR and Ownership NOPR in favor of the New NOPR
- New NOPR prescribes consolidated reporting regime for:
 - **MBR Sellers** (entities having market-base rate authority)
 - **Virtual/FTR Participants** (entities that buy, sell, or bid for virtual instruments or financial transmission or congestion rights or contracts in RTO/ISO wholesale electric markets, but excluding municipalities and other non-jurisdictional governmental agencies and instrumentalities)
- New NOPR preserves the existing MBR regulatory regime and adopts new information submission requirements with respect to “Connected Entities”

Overview (cont.)

- MBR related information would be submitted by MBR Sellers. Connected Entity information would be submitted by MBR Sellers and Virtual/FTR Participants
- Most MBR information and all Connected Entity information required to be submitted “*in a consolidated and streamlined manner through a **relational database**, which will eliminate duplication and render information collected for . . . MBR and analytics and surveillance purposes more usable and accessible to the Commission and its staff.*”
- Relational database information submitted using an extensible markup language (XML) schema in accordance with a data dictionary posted on the Commission’s website

Relevant Definitions

MBR Information

Identify (i) category status for each region in which the MBR Seller has MBR authority, (ii) markets in which the MBR Seller is authorized to sell ancillary services, (iii) applicable mitigation, if any, and (iv) whether the MBR Seller has limited the regions in which it has MBR authority

MBR Ownership Information

Identify any affiliate of an MBR Seller that (i) is an ultimate affiliate owner, (ii) has a franchised service territory or MBR authority, or (iii) directly owns or controls electric generation, transmission, or relevant vertical market input

Relevant Definitions (cont.)

Connected Entity Ownership Information

Identify any affiliate of an MBR Seller or Virtual/FTR Participant that is (i) an ultimate affiliate owner, (ii) participates in organized wholesale electric markets, or (iii) purchases or sells financial natural gas or electric energy derivative products that settle off of the price of physical electric or natural gas energy products

Trader Information

Identify any person employed or engaged by an MBR Seller or Virtual/FTR Participant who makes, or participates in, decisions and/or devises strategies for buying or selling physical or financial Commission-jurisdictional electric products or physical natural gas

Relevant Definitions (cont.)

Change in Connection

Identify any entity that has become or ceased to be a Connected Entity of an MBR Seller or Virtual/FTR Participant. In the case of Contract Information identify any instance in which an MBR Seller or Virtual/FTR Participant enters into, terminates, or amends an agreement that results in the parties conferring control of 100 MW or more of the output of an electric generation asset

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