

Constellation Energy Commodities Group, Inc.

Comments to NAESB

2008 WEQ Annual Plan Item 2.c

ATC Information List

The Federal Energy Regulatory Commission (“FERC”) has adopted policies aimed at increasing “transparency regarding ATC [available transfer capacity] calculations by requiring each transmission provider to set forth its ATC calculation.” See Order 890 at ¶ 323. In adopting these policies, the FERC clearly stated that its “intent is to increase transparency in the transmission provider’s process of forecasting, providing assurance to customers that loads are consistently being forecast using methodologies which are not subject to daily manipulation to favour affiliates.” Order 890-B at ¶ 35. As the FERC has noted:

More transparent ATC calculations are critical to coordinated regional transmission planning that ultimately will improve transmission access for customers and enhance grid reliability. **Transparent ATC calculations facilitate the ability of market participants and regulators to detect discrimination.**

Order 890 at 324.

Thus, in reviewing the merits of these proposed Standards on the ATC Information List (“Standards”), the guiding principle that should govern NAESB’s adoption of any proposed standards is transparency. Unfortunately, the proposed Standards fail to advance the transparency the FERC desires. Rather than starting from the default perspective that the transmission provider will make available all of the ATC data – increasing the transparency the FERC seeks – the Standard merely provides a check box for the transmission provider to announce whether it will make such data publicly-available. The Standard does not require the transmission provider to actually provide any data it used in calculating its ATC values. In short, the Standard accomplishes no meaningful gain in the FERC’s transparency goals.

This Standard does not appear to further the FERC’s desire for overall transparency in the transmission provider’s process of load forecasting and other ATC data. In the event that NAESB does determine to move forward with the proposed Standards as drafted, Constellation urges NAESB to tighten up the terms in several key ways. First, Footnote 3 of the proposed Standard provides six “potential” reasons for not providing the particular data, and three “potential” reasons for providing the data. NAESB should clarify that the nine proposed reasons for designating “no” or “yes” should be the extent of the options the transmission provider can utilize in complying with the Standard. Allowing each TP to generate their own language for reasons or explanations may itself be a source of inconsistency and confusion.

Second, the list of “potential” reasons for the transmission provider to “not” make the data available includes such general reasons as “Security Sensitive Information” and “Reliability Sensitive Information.” These reasons are extremely ambiguous and should not serve as rationale for not providing the data, especially given the fact that CEII should already encompass reliability and security. Constellation urges the removal of these duplicative and amorphous rationales.

Finally, Constellation urges the NAESB to take this opportunity to make clear that nothing in this Standard supersedes the requirement for the transmission provider to comply with the Order 890 line of orders or its tariffs, including the requirement that they make available all ATC modeling data used for the calculation of ATC, or any of its components, upon request.

In the event NAESB disregards these comments and approves the proposed Standard for submission to FERC, Constellation reserves the right to protest FERC’s adoption.

Respectfully submitted,

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