

**OASIS AND STANDARDS OF CONDUCT (FERC)**

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CHAPTER I--FEDERAL ENERGY REGULATORY COMMISSION, DEPARTMENT OF ENERGY

PART 37--OPEN ACCESS SAME-TIME INFORMATION SYSTEMS AND STANDARDS OF CONDUCT FOR PUBLIC

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Source: Order 889, 61 FR 21764, May 10, 1996, unless otherwise noted.

Sec. 37.1 Applicability.

This part applies to any public utility that owns, operates, or controls facilities used for the transmission of electric energy in interstate commerce and to transactions performed under the pro forma tariff required in part 35 of this chapter.

Sec. 37.2 Purpose.

(a) The purpose of this part is to ensure that potential customers of open access transmission service receive access to information that will enable them to obtain transmission service on a non-discriminatory basis from any Transmission Provider. These rules provide standards of conduct and require the Transmission Provider (or its agent) to create and operate an Open Access Same-time Information System (**OASIS**) that gives all users of the open access transmission system access to the same information.

(b) The **OASIS** will provide information by electronic means about available transmission capability for point-to-point service and will provide a process for requesting transmission service. **OASIS** will enable Transmission Providers and Transmission Customers to communicate promptly requests and responses to buy and sell available transmission capacity offered

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under the Transmission Provider's tariff.

Sec. 37.3 Definitions.

(a) Transmission Provider means any public utility that owns, operates, or controls facilities used for the transmission of electric energy in interstate commerce.

(b) Transmission Customer means any eligible customer (or its designated agent) that can or does execute a transmission service agreement or can or does receive transmission service.

(c) Responsible party means the Transmission Provider or an agent to

whom the Transmission Provider has delegated the responsibility of meeting any of the requirements of this part.

(d) Reseller means any Transmission Customer who offers to sell transmission capacity it has purchased.

(e) Wholesale merchant function means the sale for resale of electric energy in interstate commerce.

(f) Affiliate means:

(1) For any exempt wholesale generator, as defined under section 32(a) of the Public Utility Holding Company Act of 1935, as amended, the same as provided in section 214 of the Federal Power Act; and

(2) For any other entity, the term affiliate has the same meaning as given in Sec. 161.2(a) of this chapter.

[Order 889, 61 FR 21764, May 10, 1996, as amended by Order 889-A, 62 FR 12503, Mar. 14, 1997]

#### Sec. 37.4 Standards of conduct.

A Transmission Provider must conduct its business to conform with the following standards:

(a) General rules. (1) Except as provided in paragraph (a)(2) of this section, the employees of the Transmission Provider engaged in transmission system operations must function independently of its employees, or the employees of any of its affiliates, who engage in Wholesale Merchant Functions.

(2) Notwithstanding any other provisions in this section, in emergency circumstances affecting system reliability, Transmission Providers may take whatever steps are necessary to keep the system in operation. Transmission Providers must report to the Commission and on the **OASIS** each emergency that resulted in any deviation from the standards of conduct, within 24 hours of such deviation.

(b) Rules governing employee conduct. (1) Prohibitions. Any employee of the Transmission Provider, or any employee of an affiliate, engaged in wholesale merchant functions is prohibited from:

(i) Conducting transmission system operations or reliability functions; and

(ii) Having access to the system control center or similar facilities used for transmission operations or reliability functions that differs in any way from the access available to other open access Transmission Customers.

(2) Transfers. Employees engaged in either wholesale merchant functions or transmission system operations or reliability functions are not precluded from transferring between such functions as long as such transfer is not used as a means to circumvent the standards of conduct of this section. Notices of any employee transfer to or from transmission system operations or reliability functions must be posted on the **OASIS** as provided in Sec. 37.6(g)(3). The information to be posted must include: the name of the transferring employee, the respective titles held while performing each function (i.e., on behalf of the Transmission Provider and wholesale merchant or affiliate), and the effective date of the transfer. The information posted under this section must remain on the **OASIS** for 90 days.

(3) Information access. Any employee of the Transmission Provider, or of any of its affiliates, engaged in wholesale merchant functions:

(i) Shall have access to only that information available to the Transmission Provider's open access transmission customers (i.e., the information posted on an **OASIS**), and must not have preferential access to any information about the Transmission Provider's transmission system that is not available to all users of an **OASIS**; and

(ii) Is prohibited from obtaining information about the Transmission Provider's transmission system (including information about available transmission capability, price, curtailments, ancillary services, and the like) through access to information not

posted on the **OASIS** that is not otherwise also available to the general public without restriction, or through information through the **OASIS** that is not also publicly available to all **OASIS** users.

(4) Disclosure. A Transmission Provider is responsible for ensuring compliance with the following provisions:

(i) Any employee of the Transmission Provider, or any employee of an affiliate, engaged in transmission system operations or reliability functions may not disclose to employees of the Transmission Provider, or any of its affiliates, engaged in wholesale merchant functions any information concerning the transmission system of the Transmission Provider or the transmission system of another (including information received from non-affiliates or information about available transmission capability, price, curtailments, ancillary services, etc.) through non-public communications conducted off the **OASIS**, through access to information not posted on the **OASIS** that is not at the same time available to the general public without restriction, or through information on the **OASIS** that is not at the same time publicly available to all **OASIS** users (such as E-mail).

(ii) If an employee of the Transmission Provider engaged in transmission system operations or reliability functions discloses information not posted on the **OASIS** in a manner contrary to the requirements of the standards of conduct, the Transmission Provider must immediately post such information on the **OASIS**.

(iii) A Transmission Provider may not share any market information, acquired from nonaffiliated Transmission Customers or potential nonaffiliated Transmission Customers, or developed in the course of responding to requests for transmission or ancillary service on the **OASIS**, with its own employees (or those of an affiliate) engaged in merchant functions, except to the limited extent information is required to be posted on the **OASIS** in response to a request for transmission service or ancillary services.

(5) Implementing tariffs. (i) Employees of the Transmission Provider engaged in transmission system operations or reliability functions must strictly enforce all tariff provisions relating to the sale or purchase of open access transmission service, if these provisions do not provide for the use of discretion.

(ii) Employees of the Transmission Provider engaged in transmission system operations must apply all tariff provisions relating to the sale or purchase of open access transmission service in a fair and impartial manner that treats all customers (including the public utility and any affiliate) in a non-discriminatory manner, if these provisions involve discretion.

(iii) The Transmission Provider must keep a log, available for Commission audit, detailing the circumstances and manner in which it exercised its discretion under any terms of the tariff. The information contained in this log is to be posted on the **OASIS** as provided in Sec. 37.6(g)(4).

(iv) The Transmission Provider may not, through its tariffs or otherwise, give preference to sales for resale by the wholesale merchant function or by any affiliate, over the interests of any other wholesale customer in matters relating to the sale or purchase of transmission service (including issues of price, curtailments, scheduling, priority, ancillary services, etc.).

(6) Books and records. A Transmission Provider must maintain its books of account and records (as prescribed under parts 101 and 125 of this chapter) separately from those of its affiliates and these must be available for Commission inspection.

(c) Maintenance of written procedures. The Transmission Provider must maintain in a public place, and file with the Commission, current written procedures implementing the standards of conduct in such detail as will enable customers and the Commission to determine that the Transmission Provider is in compliance with the requirements of this section.

[Order 889, 61 FR 21764, May 10, 1996, as amended by Order 889-A, 62 FR 12503, Mar. 14, 1997]

Sec. 37.5 Obligations of Transmission Providers and Responsible Parties.

(a) Each Transmission Provider is required to provide for the operation of

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an **OASIS**, either individually or jointly with other Transmission Providers, in accordance with the requirements of this Part. The Transmission Provider may delegate this responsibility to a Responsible Party such as another Transmission Provider, an Independent System Operator, a Regional Transmission Group, or a Regional Reliability Council.

(b) A Responsible Party must:

(1) Provide access to an **OASIS** providing standardized information relevant to the availability of transmission capacity, prices, and other information (as described in this Part) pertaining to the transmission system for which it is responsible;

(2) Operate the **OASIS** in compliance with the standardized procedures and protocols found in **OASIS** Standards and Communication Protocols, which can be obtained from the Public Reference and Files Maintenance Branch, Room 2A, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426; and

(3) Operate the **OASIS** in compliance with the Business Practice Standards for Open Access Same-time Information System (**OASIS**) Transactions, which can be obtained at the same address as provided in paragraph (b)(2) of this section.

(c) A Responsible Party may not deny or restrict access to an **OASIS** user merely because that user makes automated computer-to-computer file transfers or queries, or extensive requests for data.

(d) In the event that an **OASIS** user's grossly inefficient method of accessing an **OASIS** node or obtaining information from the node seriously degrades the performance of the node, a Responsible Party may limit a user's access to the **OASIS** node without prior Commission approval. The Responsible Party must immediately contact the **OASIS** user to resolve the problem. Notification of the restriction must be made to the Commission within two business days of the incident and include a description of the problem. A closure report describing how the problem was resolved must be filed with the Commission within one week of the incident.

(e) In the event that an **OASIS** user makes an error in a query, the Responsible Party can block the affected query and notify the user of the nature of the error. The **OASIS** user must correct the error before making any additional queries. If there is a dispute over whether an error has occurred, the procedures in paragraph (d) of this section apply.

(f) Transmission Providers must provide ``read only'' access to the **OASIS** to Commission staff and the staffs of State regulatory authorities, at no cost, after such staff members have complied with the requisite registration procedures.

[Order 889, 61 FR 21764, May 10, 1996, as amended by Order 605, 64 FR 34124, June 25, 1999; Order 638, 65 FR 17400, Mar. 31, 2000]

Effective Date Note: By Order 638, 65 FR 17400, Mar. 31, 2000, Sec. 37.5 was amended by revising paragraph (b), effective May 30, 2000. For the convenience of the user, the superseded text is set forth as follows:

Sec. 37.5 Obligations of Transmission Providers and Responsible Parties.

\* \* \* \* \*

(b) A Responsible Party must:

- (1) Provide access to an **OASIS** providing standardized information relevant to the availability of transmission capacity, prices, and other information (as described in this part) pertaining to the transmission system for which it is responsible; and
- (2) Shall operate the **OASIS** in compliance with the standardized procedures and protocols found in **OASIS** Standards and Communication Protocols, which can be obtained from the Public Reference and Files Maintenance Branch, Room 2A, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

\* \* \* \* \*

Sec. 37.6 Information to be posted on the **OASIS**.

(a) The information posted on the **OASIS** must be in such detail and the **OASIS** must have such capabilities as to allow Transmission Customers to:

- (1) Make requests for transmission services offered by Transmission Providers, Resellers and other providers of ancillary services;
- (2) View and download in standard formats, using standard protocols, information regarding the transmission

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system necessary to enable prudent business decision making;

- (3) Post, view, upload and download information regarding available products and desired services;
- (4) Clearly identify the degree to which transmission service requests or schedules were denied or interrupted;
- (5) Obtain access, in electronic format, to information to support available transmission capability calculations and historical transmission service requests and schedules for various audit purposes; and
- (6) Make file transfers and automated computer-to-computer file transfers and queries as defined by the Standards and Communications Protocols Document.

(b) Posting transmission capability. The transmission capability that is expected to be available on the Transmission Provider's system (ATC) and the total transmission capability (TTC) of that system shall be calculated and posted for each Posted Path as set out in this section.

(1) Definitions. For purposes of this section the terms listed below have the following meanings:

(i) Posted path means any control area to control area interconnection; any path for which service is denied, curtailed or interrupted for more than 24 hours in the past 12 months; and any path for which a customer requests to have ATC or TTC posted. For this last category, the posting must continue for 180 days and thereafter until 180 days have elapsed from the most recent request for service over the requested path. For purposes of this definition, an hour includes any part of an hour during which service was denied, curtailed or interrupted.

(ii) Constrained posted path means any posted path having an ATC less than or equal to 25 percent of TTC at any time during the preceding 168 hours or for which ATC has been calculated to be less than or equal to 25 percent of TTC for any period during the current hour or the next 168 hours.

(iii) Unconstrained posted path means any posted path not determined to be a constrained posted path.

(iv) The word interconnection, as used in the definition of 'posted path', means all facilities connecting two adjacent systems or control areas.

(2) Calculation methods, availability of information, and requests.

(i) Information used to calculate any posting of ATC and TTC must be dated and time-stamped and all calculations shall be performed according to consistently applied methodologies referenced in the Transmission Provider's transmission tariff and shall be based on current industry practices, standards and criteria.

(ii) On request, the Responsible Party must make all data used to calculate ATC and TTC for any constrained posted paths publicly available (including the limiting element(s) and the cause of the limit (e.g., thermal, voltage, stability)) in electronic form within one week of the posting. The information is required to be provided only in the electronic format in which it was created, along with any necessary decoding instructions, at a cost limited to the cost of reproducing the material. This information is to be retained for six months after the applicable posting period.

(iii) System planning studies or specific network impact studies performed for customers to determine network impacts are to be made publicly available in electronic form on request and a list of such studies shall be posted on the **OASIS**. A study is required to be provided only in the electronic format in which it was created, along with any necessary decoding instructions, at a cost limited to the cost of reproducing the material. These studies are to be retained for two years.

(3) Posting. The ATC and TTC for all Posted Paths must be posted in megawatts by specific direction and in the manner prescribed in this subsection.

(i) Constrained posted paths--(A) For Firm ATC and TTC. (1) The posting shall show ATC and TTC for a 30-day period. For this period postings shall be: by the hour, for the current hour and the 168 hours next following; and thereafter, by the day. If the Transmission Provider charges separately for on-peak and off-peak periods in its tariff, ATC and TTC will be posted daily for each period.

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(2) Postings shall also be made by the month, showing for the current month and the 12 months next following.

(3) If planning and specific requested transmission studies have been done, seasonal capability shall be posted for the year following the current year and for each year following to the end of the planning horizon but not to exceed 10 years.

(B) For Non-Firm ATC and TTC. The posting shall show ATC and TTC for a 30-day period by the hour and days prescribed under paragraph (b)(3)(i)(A)(1) of this section and, if so requested, by the month and year as prescribed under paragraph (b)(3)(i)(A)(2) and (3) of this section.

(C) Updating Posted Information for Constrained Paths. (1) The capability posted under paragraphs (b)(3)(i)(A) and (B) of this section must be updated when transactions are reserved or service ends or whenever the TTC estimate for the Path changes by more than 10 percent.

(2) All updating of hourly information shall be made on the hour.

(ii) Unconstrained posted paths. (A) Postings of firm and nonfirm ATC and TTC shall be posted separately by the day, showing for the current day and the next six days following and thereafter, by the month for the 12 months next following. If the Transmission Provider charges separately for on-peak and off-peak periods in its tariff, ATC and TTC will be posted separately for the current day and the next six days following for each period. These postings are to be updated whenever the ATC changes by more than 20 percent of the Path's TTC.

(B) If planning and specific requested transmission studies have been done, seasonal capability shall be posted for the year following the current year and for each year following until the end of the planning horizon but not to exceed 10 years.

(c) Posting Transmission Service Products and Prices. (1) Transmission Providers must post prices and a summary of the terms and

conditions associated with all transmission products offered to Transmission Customers.

(2) Transmission Providers must provide a downloadable file of their complete tariffs in the same electronic format as the tariff that is filed with the Commission.

(3) Any offer of a discount for any transmission service made by the Transmission Provider must be announced to all potential customers solely by posting on the **OASIS**.

(4) For any transaction for transmission service agreed to by the Transmission Provider and a customer, the Transmission Provider (at the time when ATC must be adjusted in response to the transaction), must post on the **OASIS** (and make available for download) information describing the transaction (including: price; quantity; points of receipt and delivery; length and type of service; identification of whether the transaction involves the Transmission Provider's wholesale merchant function or any affiliate; identification of what, if any, ancillary service transactions are associated with this transmission service transaction; and any other relevant terms and conditions) and shall keep such information posted on the **OASIS** for at least 30 days. A record of the transaction must be retained and kept available as part of the audit log required in Sec. 37.7.

(5) Customers choosing to use the **OASIS** to offer for resale transmission capacity they have purchased must post relevant information to the same **OASIS** as used by the one from whom the Reseller purchased the transmission capacity. This information must be posted on the same display page, using the same tables, as similar capability being sold by the Transmission Provider, and the information must be contained in the same downloadable files as the Transmission Provider's own available capability. A customer reselling transmission capacity without the use of an **OASIS** must, nevertheless, inform the original Transmission Provider of the transaction within any time limits prescribed by the Transmission Provider's tariff or in a contract or service agreement between the Transmission Provider and a customer.

(d) Posting Ancillary Service Offerings and Prices. (1) Any ancillary service required to be provided or offered under the pro forma tariff prescribed by part

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35 of this chapter must be posted with the price of that service.

(2) Any offer of a discount for any ancillary service made by the Transmission Provider must be announced to all potential customers solely by posting on the **OASIS**.

(3) For any transaction for ancillary service agreed to by the Transmission Provider and a customer, the Transmission Provider (at the time when ATC must be adjusted in response to an associated transmission service transaction, if any), must post on the **OASIS** (and make available for download) information describing the transaction (including: date and time when the agreement was entered into; price; quantity; length and type of service; identification of whether the transaction involves the Transmission Provider's wholesale merchant function or any affiliate; identification of what, if any, transmission service transactions are associated with this ancillary service transaction; and any other relevant terms and conditions) and shall keep such information posted on the **OASIS** for at least 30 days. A record of the transaction must be retained and kept available as part of the audit log required in Sec. 37.7.

(4) Any other interconnected operations service offered by the Transmission Provider may be posted, with the price for that service.

(5) Any entity offering an ancillary service shall have the right to post the offering of that service on the **OASIS** if the service is one required to be offered by the Transmission Provider under the pro forma tariff prescribed by part 35 of this chapter. Any entity may also post any other interconnected operations service voluntarily offered by the Transmission Provider. Postings by customers and third parties must be

on the same page, and in the same format, as postings of the Transmission Provider.

(e) Posting specific transmission and ancillary service requests and responses--(1) General rules. (i) All requests for transmission and ancillary service offered by Transmission Providers under the pro forma tariff, including requests for discounts, must be made on the **OASIS**, and posted prior to the Transmission Provider responding to the request, except as discussed in paragraphs (e)(1)(ii) and (iii). The Transmission Provider must post all requests for transmission service and for ancillary service comparably. Requests for transmission and ancillary service, and the responses to such requests, must be conducted in accordance with the Transmission Provider's tariff, the Federal Power Act, and Commission regulations.

(ii) The requirement in paragraph (e)(1)(i) of this section, to post requests for transmission and ancillary service offered by Transmission Providers under the pro forma tariff, including requests for discounts, prior to the Transmission Provider responding to the request, does not apply to requests for next-hour service made during Phase I.

(iii) In the event that a discount is being requested for ancillary services that are not in support of basic transmission service provided by the Transmission Provider, such request need not be posted on the **OASIS**.

(iv) In processing a request for transmission or ancillary service, the Responsible Party shall post the same information as required in Sec. 37.6(c)(4), Sec. 37.6(d)(3), and the following information: the date and time when the request is made, its place in any queue, the status of that request, and the result (accepted, denied, withdrawn).

(2) Posting when a request for transmission service is denied. (i) When a request for service is denied, the Responsible Party must provide the reason for that denial as part of any response to the request.

(ii) Information to support the reason for the denial, including the operating status of relevant facilities, must be maintained for 60 days and provided, upon request, to the potential Transmission Customer.

(iii) Any offer to adjust operation of the Transmission Provider's System to accommodate the denied request must be posted and made available to all Transmission Customers at the same time.

(3) Posting when a transaction is curtailed or interrupted. (i) When any transaction is curtailed or interrupted, the Transmission Provider must post notice of the curtailment or interruption

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on the **OASIS**, and the Transmission Provider must state on the **OASIS** the reason why the transaction could not be continued or completed.

(ii) Information to support any such curtailment or interruption, including the operating status of the facilities involved in the constraint or interruption, must be maintained and made available upon request, to the curtailed or interrupted customer, the Commission's Staff, and any other person who requests it, for three years.

(iii) Any offer to adjust the operation of the Transmission Provider's system to restore a curtailed or interrupted transaction must be posted and made available to all curtailed and interrupted Transmission Customers at the same time.

(f) Posting Transmission Service Schedules Information. Information on transmission service schedules must be recorded by the entity scheduling the transmission service and must be available on the **OASIS** for download. Transmission service schedules must be posted no later than seven calendar days from the start of the transmission service.

(g) Posting Other Transmission-Related Communications. (1) The posting of other communications related to transmission services must be provided for by the Responsible Party. These communications may include "want ads" and "other communications" (such as using the **OASIS** as a Transmission-related conference space or to provide transmission-related messaging services between **OASIS** users). Such postings carry no obligation to respond on the part of any market participant.

(2) The Responsible Party is responsible for posting other transmission-related communications in conformance with the instructions provided by the third party on whose behalf the communication is posted. It is the responsibility of the third party requesting such a posting to ensure the accuracy of the information to be posted.

(3) Notices of transfers of personnel shall be posted as described in Sec. 37.4(b)(2). The posting requirements are the same as those provided in Sec. 37.7 for audit data postings.

(4) Logs detailing the circumstances and manner in which a Transmission Provider or Responsible Party exercised its discretion under any terms of the tariff shall be posted as described in Sec. 37.4(b)(5)(iii). The posting requirements are the same as those provided in Sec. 37.7 for audit data postings.

[Order 889, 61 FR 21764, May 10, 1996, as amended by Order 889-A, 62 FR 12503, Mar. 14, 1997; Order 605, 64 FR 34124, June 25, 1999]

#### Sec. 37.7 Auditing Transmission Service Information.

(a) All **OASIS** database transactions, except other transmission-related communications provided for under Sec. 37.6(g)(2), must be stored, dated, and time stamped.

(b) Audit data must remain available for download on the **OASIS** for 90 days, except ATC/TTC postings that must remain available for download on the **OASIS** for 20 days. The audit data are to be retained and made available upon request for download for three years from the date when they are first posted in the same electronic form as used when they originally were posted on the **OASIS**.

[Order 889, 61 FR 21764, May 10, 1996, as amended by Order 889-A, 62 FR 12504, Mar. 14, 1997]

#### Sec. 37.8 Obligations of **OASIS** users.

Each **OASIS** user must notify the Responsible Party one month in advance of initiating a significant amount of automated queries. The **OASIS** user must also notify the Responsible Party one month in advance of expected significant increases in the volume of automated queries.

[Order 605, 64 FR 34124, June 25, 1999]