

## **Code de conduite du Manitoba Hydro**



**STANDARDS OF CONDUCT  
FOR PROVIDING OPEN ACCESS TRANSMISSION  
AND INTERCONNECTION SERVICE  
(STANDARDS OF CONDUCT)**

**1) GENERAL PRINCIPLES**

**2) DEFINITIONS**

**3) NON-DISCRIMINATION RULE**

**4) INDEPENDENT FUNCTIONING RULE**

**5) NO CONDUIT RULE**

**6) TRANSPARENCY RULE**

**7) IMPLEMENTATION REQUIREMENTS**

**1) GENERAL PRINCIPLES**

- a) Manitoba Hydro must treat all Transmission Customers, affiliated and non-affiliated, on a not unduly discriminatory basis, and must not make or grant any undue preference or advantage to any person or subject any person to any undue prejudice or disadvantage with respect to any transmission of electric energy or with respect to the wholesale sale of electric energy.
- b) Manitoba Hydro's Transmission Function Employees must function independently from its Marketing Function Employees, except as permitted in these Standards of Conduct.
- c) Manitoba Hydro and its employees, contractors, consultants and agents are prohibited from disclosing, or using a conduit to disclose, Transmission Function Information to Marketing Function Employees.
- d) Manitoba Hydro must provide equal access to Transmission Function Information to all its Transmission Customers, affiliated and non-affiliated, except in the case of confidential customer information or critical energy infrastructure information.

## 2) DEFINITIONS

- a) **“Affiliate”** of a specified entity means another person that controls, is controlled by or is under common control with, the specified entity. An affiliate includes a division of the specified entity that operates as a functional unit. “Control” as used in this definition means the direct or indirect authority, whether acting alone or in conjunction with others, to direct or cause to direct the management policies of an entity. A voting interest of 10 percent or more creates a rebuttable presumption of control.
- b) **“Internet Website”** refers to the Internet location where Manitoba Hydro posts, by electronic means, among other things, the information required to be posted under these Standards of Conduct, such Internet Website being [www.hydro.mb.ca](http://www.hydro.mb.ca).
- c) **“Marketing Function”** means the sale for resale, or the submission of offers to sell, of electric energy or capacity, demand response, virtual transactions, or financial or physical transmission rights, all as subject to an exclusion for bundled retail sales, including sales of electric energy made by providers of last resort (POLRs) acting in their POLR capacity.
- d) **“Marketing Function Employee”** means an employee, contractor, consultant or agent of Manitoba Hydro or of an Affiliate of Manitoba Hydro who actively and personally engages on a day-to-day basis in the Marketing Function.
- e) **“Open Access Same-time Information System (OASIS)”** refers to a computerized information system, developed as an Internet application, that allows Manitoba Hydro to post, by electronic means, information relating to its Open Access Transmission Tariff (OATT) and its Open Access Interconnection Tariff (OAIT) and where it may also post the information required to be posted on its Internet Website by these Standards of Conduct.
- f) **“Tariff”** means Manitoba Hydro’s Open Access Transmission Tariff (OATT) and/or Manitoba Hydro’s Open Access Interconnection Tariff (OAIT).
- g) **“Transmission”** means electric transmission, network or point-to-point service, ancillary services or other methods of electric transmission, or the interconnection with transmission facilities.
- h) **“Transmission Customer”** means any eligible customer, shipper or designated agent that can or does execute a Transmission Service agreement or can or does receive Transmission Service, including all persons who have pending requests for Transmission Service or for information regarding Transmission.
- i) **“Transmission Function”** means the planning, directing, organizing or carrying out of day-to-day transmission operations, including the granting and denying of Transmission Service requests.

- j) **“Transmission Function Employee”** means an employee, contractor, consultant or agent of Manitoba Hydro who actively and personally engages on a day-to-day basis in the Transmission Function.
- k) **“Transmission Function Information”** means information relating to the Transmission Function.<sup>1</sup>
- l) **“Transmission Provider”** means the Transmission Business Unit of Manitoba Hydro.
- m) **“Transmission Service”** means the provision of any Transmission.

### 3) NON-DISCRIMINATION RULE

- a) Manitoba Hydro must strictly enforce all Tariff provisions relating to the sale or purchase of open access Transmission Service, if the Tariff provisions do not permit the use of discretion.
- b) Manitoba Hydro must apply Tariff provisions relating to the sale or purchase of open access Transmission Service in a fair and impartial manner that treats all Transmission Customers in a not unduly discriminatory manner, if the Tariff provisions permit the use of discretion.
- c) Manitoba Hydro may not, through its Tariffs or otherwise, give undue preference to any person in matters relating to the sale or purchase of Transmission Service (including, but not limited to, issues of price, curtailments, scheduling, priority, ancillary services, or balancing).
- d) Manitoba Hydro must process all similar requests for Transmission in the same manner and within the same period of time.

### 4) INDEPENDENT FUNCTIONING RULE

- a) General Rule  
Except as permitted in these Standards of Conduct, Transmission Function Employees must function independently of Marketing Function Employees.
- b) Separation of Functions
  - i) Manitoba Hydro is prohibited from permitting its Marketing Function Employees to:
    - conduct Transmission Functions; or,

---

<sup>1</sup> Such information is not otherwise also available to the general public without restriction and may include, but is not limited to, information regarding transmission maintenance schedules; transmission customers; available transmission capacity; transmission service requests; transmission outages; expansion plans and schedules; and, transmission loading relief.

- have access to the System Control Center or similar facilities used for Transmission operations that differs in any way from the access available to other Transmission Customers.
- ii) Manitoba Hydro is prohibited from permitting its Transmission Function Employees to conduct Marketing Functions.

## **5) NO CONDUIT RULE**

- a) Manitoba Hydro is prohibited from using anyone as a conduit for the disclosure of Transmission Function Information to its Marketing Function Employees.
- b) An employee, contractor, consultant or agent of Manitoba Hydro, and an employee, contractor, consultant or agent of an Affiliate of Manitoba Hydro that is engaged in the Marketing Function, is prohibited from disclosing Transmission Function Information to any Marketing Function Employee.

## **6) TRANSPARENCY RULE**

- a) Contemporaneous Disclosure
  - i) If Manitoba Hydro discloses Transmission Function Information, other than information identified in paragraph (a)(ii) of this section, in a manner contrary to the requirements of these Standards of Conduct, Manitoba Hydro must immediately post the information that was disclosed on its Internet Website.
  - ii) If Manitoba Hydro discloses, in a manner contrary to the requirements of these Standards of Conduct, non-public Transmission Customer information or critical energy infrastructure information, Manitoba Hydro must immediately post notice on its Internet Website that the information was disclosed.
- b) Exclusion for Specific Transaction Information

A Transmission Function Employee may discuss with a Marketing Function Employee a specific request for Transmission Service submitted by the Marketing Function Employee. Manitoba Hydro is not required to contemporaneously disclose information otherwise covered by these Standards of Conduct, if the information relates solely to the Marketing Function Employee's specific request for Transmission Service.
- c) Voluntary Consent Provision

A Transmission Customer may voluntarily consent, in writing, to allow Manitoba Hydro to disclose the Transmission Customer's non-public information to Marketing Function Employees. If the Transmission Customer authorizes Manitoba Hydro to disclose its information to Marketing Function Employees, Manitoba Hydro must post notice on its Internet Website of that consent, along with a statement that it did not provide any preferences, either operational or rate-related, in exchange for that voluntary consent.

- d) Posting Written Procedures on the Public Internet  
Manitoba Hydro must post on its Internet Website current written procedures implementing these Standards of Conduct.
- e) Identification of Affiliate Information on the Public Internet
- i) Manitoba Hydro must post on its Internet Website the names and addresses of all its Affiliates that employ or retain Marketing Function Employees.
  - ii) Manitoba Hydro must post on its Internet Website a complete list of the employee-staffed facilities shared by any Transmission Function Employees and Marketing Function Employees. The list must include the types of facilities shared and the addresses of the facilities.
  - iii) Manitoba Hydro must post information concerning potential merger partners as Affiliates that may employ or retain Marketing Function Employees, within seven (7) days of the potential merger being announced.
- f) Identification of Employee Information on the Public Internet
- i) Manitoba Hydro must post on its Internet Website the job titles and job descriptions of its Transmission Function Employees.
  - ii) Manitoba Hydro must post a notice on its Internet Website of any transfer of a Transmission Function Employee to a position as a Marketing Function Employee, or any transfer of a Marketing Function Employee to a position as a Transmission Function Employee. The information posted under this section must remain on its Internet Website for 90 days. No such job transfer may be used as a means to circumvent any provision of these Standards of Conduct. The information to be posted must include:
    - name of transferring employee,
    - respective titles held while performing each function (that is, as a Transmission Function Employee and as a Marketing Function Employee), and,
    - effective date of transfer.
- g) Timing and General Requirements of Posting on the Public Internet
- i) Manitoba Hydro must update its Internet Website with the information required by these Standards of Conduct within seven (7) business days of any change and must post the date on which the information was updated. Manitoba Hydro may also post the information required to be posted under these Standards of Conduct on its OASIS, but is not required to do so.
  - ii) In the event an emergency, such as an earthquake, flood, fire, hurricane or cyber event, severely disrupts Manitoba Hydro's normal business operations, the posting requirements in these Standards of Conduct may be suspended by Manitoba Hydro.
  - iii) All Internet Website postings required by these Standards of Conduct must be sufficiently prominent as to be readily accessible.

- h) Exclusions for and Recordation of Certain Information Exchanges
- i) Notwithstanding the requirements of Section 4(a) and 5, Transmission Function Employees and Marketing Function Employees may exchange certain Transmission Function Information, as delineated in Section 6(h)(ii), in which case Manitoba Hydro must make and retain a contemporaneous record of all such exchanges, except in emergency situations, in which case a record must be made of the exchange as soon as practicable after the fact. The record must be retained for a period of five (5) years.
- ii) The Transmission Function Information subject to the exclusion in Section 6(h)(i) is as follows:
- information pertaining to compliance with reliability standards applicable to Manitoba Hydro, and,
  - information necessary to maintain or restore operation of the transmission system or generating units, or that may affect the dispatch of generating units.
- i) Posting of Waivers
- Manitoba Hydro must post on its Internet Website notice of each waiver of a Tariff provision that it grants in favor of an Affiliate, as authorized by its Tariff. The posting must be made within one (1) business day of the act of a waiver. Manitoba Hydro must also maintain a log of the acts of waiver. The record must be kept for a period of five (5) years from the date of each act of waiver.

## **7) IMPLEMENTATION REQUIREMENTS**

- a) Effective Date
- These Standards of Conduct are effective August 26, 2014.
- b) Compliance Measures and Written Procedures
- i) Manitoba Hydro must implement measures to ensure that the requirements of Sections 4 and 5 are observed by its employees and the employees of its Affiliates.
- ii) Manitoba Hydro must distribute the written procedures referred to in Section 6(d) to all its Transmission Function Employees, Marketing Function Employees officers, directors, supervisory employees, and any other employees likely to become privy to Transmission Function Information.
- c) Training and Compliance Personnel
- i) Manitoba Hydro must cause to be provided annual training on the Standards of Conduct to all the employees listed in paragraph (b)(ii) of this section. Manitoba Hydro must cause to be provided training on the Standards of Conduct to new employees in the categories listed in paragraph (b)(ii) of this section, within the first 30 days of their employment. Manitoba Hydro must maintain reliable records of each employee who has completed the training.



- ii) Manitoba Hydro must designate a Compliance Officer who will be responsible for Standards of Conduct compliance. Manitoba Hydro must post the name of the Compliance Officer and provide his or her contact information on its Internet Website.
- d) Books and Records  
Manitoba Hydro must maintain its books of account and records separately from those of its Affiliates that employ or retain Marketing Function Employees.