

Market Participant Comment Matrix – October 18, 2016



Proposed New Alberta Reliability Standard CIP-SUPP-002-AB, *Cyber Security – Supplemental CIP Alberta Reliability Standard Technical Feasibility Exceptions*
("New CIP-SUPP-002-AB")

Date of Request for Comment: <u>October 18, 2016</u>	Contact: <u>Lori Janzen, Legal Compliance</u>
Period of Comment: <u>October 18, 2016</u> through <u>November 25, 2016</u>	Phone: <u>403-514-2056</u>
Comments From: <u>ENMAX Energy Corporation and ENMAX Power Corporation (collectively "ENMAX")</u>	Email: <u>ljanzen@enmax.com</u>
Date [yyyy/mm/dd]: <u>2016-11-25</u>	

Listed below is the summary description of changes for the proposed New CIP-SUPP-002-AB. Please refer back to the Consultation Letter under the "Attachments" section to view materials related to the proposed New CIP-SUPP-002-AB. Please place your comments/reasons for position underneath (if any).

1. Alberta Reliability Standard	Market Participant Comments and/or Alternative Proposal
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<div>New</div> <p>The AESO is seeking comments from market participants with regard to the following matters:</p> <ol style="list-style-type: none"> Are there any requirements contained in the proposed New CIP-SUPP-002-AB that are not clearly articulated? If yes, please indicate the specific section of the New CIP-SUPP-002-AB, describe the concern and suggest alternative language. Please provide any additional comments regarding the proposed New CIP-SUPP-002-AB. 	<div>Comment #1:</div> <p>Requirement R3 states: A Responsible Entity must provide any additional information relating to a request for a technical feasibility exception at the ISO's request.</p> <p>Comment: This requirement is problematic because there are few, if any, bounds placed on the ISO's ability to request information. A Responsible Entity would place itself at risk of an administrative monetary penalty for breaching this requirement if it refused to provide information requested by the ISO. There may be valid reasons for a Responsible Entity to refuse to provide the ISO-requested information. A Responsible Entity may refuse to give the ISO information: (i) that is legally privileged, (ii) that is only remotely related to its TFE and that would require significant time or cost to provide; and (iii) where the Responsible Entity no longer wishes to pursue the TFE. Requirement R3 does not provide Responsible Entities with any discretion to refuse to provide information in these or other circumstances.</p> <p>It is ENMAX's opinion that Requirement #3 (as currently drafted) is unnecessary and does not provide guidance or certainty to the AESO or the Responsible Entity. Standard CIPP-SUPP-002-AB deals with exemptions from otherwise mandatory reliability standards. It is difficult to think of a situation where a Responsible Entity would not supply the ISO information, reasonably requested, to support its exemption request. The Responsible Entity would understand that if the information were not supplied, the ISO may have difficulty assessing the TFE request, making it more likely that it would be denied. Responsible Entities will want to furnish the ISO with relevant information, if they want the ISO to approve their TFE request.</p> <p>ENMAX respectfully suggests that Requirement R3 be amended as follows:</p> <p><i>The ISO may request additional information necessary for the ISO to assess a Responsible Entity's request for a technical feasibility exemption.</i></p> <p>This amendment would reflect the TFE process and recognize that Responsible Entities have an incentive to furnish information to the ISO to obtain an exemption from mandatory requirements.</p> <div>Comment #2:</div> <p>Requirement R6.1 provides clarity on when a request has been approved by the AESO, however ENMAX suggests adding a subclause 6.2, providing clarity/rationale for when a request has not been approved, as per below:</p> <p><i>R6.2: The ISO must, where it does not approve a technical feasibility exception requested under requirement R1, provide a copy of its decision, including reasons, in writing, to the Responsible Entity that has requested the technical feasibility exception.</i></p>
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	<p>Comment #3</p> <p>Requirement R8 states: The ISO may amend or terminate a technical feasibility exception prior to the expiration date of the approval where:</p> <ul style="list-style-type: none">(a) a Responsible Entity does not fulfill the terms and conditions of the approval;(b) there is a material change in the facts underlying the approval, as described in requirement R7; or(c) the Responsible Entity advises the ISO, in writing, that the technical feasibility exception is no longer required. <p>Comment: Requirement R8a and R8b as currently drafted, do not direct the ISO to give Responsible Entities notice that the ISO intends to amend or terminate a TFE, and do not direct the ISO to give a Responsible Entity the opportunity to be heard. Revoking or amending a TFE could have a significant impact on a Responsible Entity. It might make the Responsible Entity non-compliant with a standard and expose them to an administrative monetary penalty.</p> <p>ENMAX respectfully suggests that Requirement 8 be amended to add a subsection (2) as follows:</p> <p>R8 (1) The ISO may amend or terminate a technical feasibility exception prior to the expiration date of the approval where:</p> <p>(...)</p> <p><i>(2) No technical feasibility exception shall be amended or terminated under requirement 8(1)(a) or (b) unless notice of the asserted non-compliance with the terms and conditions of the TFE, or material change in circumstances, has been given to the Responsible Entity and the ISO has afforded the Responsible Entity an opportunity of being heard.</i></p> <p>There is no need for this amendment to apply to Requirement R8(1)(c) because the Responsible Entity under that provision has advised the ISO that the TFE is no longer required.</p> <p>Comment #4: Requirement R8 Measures do not include any recommendations of the evidence that should be included. Consider adding:</p> <p><i>Evidence may include, but is not limited to, a dated hard copy or electronic copy of the amended or terminated technical feasibility exception provided to the Responsible Entity.</i></p>
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