

Unofficial Comment Form

2023 Revisions to Standard Processes Manual Draft 1

Do not use this form for submitting comments. Use the [Standards Balloting and Commenting System \(SBS\)](#) to submit comments on the **Standard Processes Manual (SPM) Revisions** by **8 p.m. Eastern, Monday, March 6, 2023**.

Additional information is available on the [project page](#). If you have questions, contact Manager, Standards Development, [Latrice Harkness](#) (via email) or at 404-446-9728.

Background Information

NERC is proposing a series of revisions to Section 300 (Reliability Standards Development) and Appendix 3A, SPM to its Rules of Procedure. The proposed revisions were developed by the Standards Process Stakeholder Engagement Group (“SPSEG”) to improve the agility of NERC’s standard development processes to address urgent reliability needs, while also maintaining reasonable notice and opportunity for public comment, due process, openness, and balance of interests.

The questions below address the proposed changes to **Appendix 3A, SPM**.

Due to the different procedural requirements for approval, comments on the proposed changes to **Section 300** must be submitted separately, to ropcomments@nerc.net by **8 p.m. Monday, March 6, 2023**. See the Rules of Procedure page for more information: [Rules of Procedure \(nerc.com\)](#)

Summary of Changes Overview

See the summary of the proposed revisions [here](#).

Questions

American National Standards Institute (ANSI) Accreditation

In Section 300 of the Rules of Procedure, NERC proposes to remove the requirement for NERC to maintain continued ANSI accreditation, but still maintain the core principles of an open and inclusive standards development process. NERC proposes several revisions throughout the SPM to conform to this change, including removal of reference to ANSI accreditation (e.g., Section 16.0) and to ANSI procedural requirements for continued accreditation (e.g., five-year periodic reviews in Section 13.0).

1. Do you agree that the proposed changes to SPM Section 1.4 communicate that NERC's process will continue to provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing standards? If not, please explain.

Yes
 No

Comments: NYSRC recommends that ;section 1.4 label be stated as “Essential Requirements for NERC’s Reliability Standards Development Process” rather than attributes. Using this title, which is similar to ANSI’s title for due process will more strongly affirm NERC’s intention to operate in a way that “models” ANSI. In separate comments NYSRC also suggest this change for ROP Rule 304.

2. Do you agree that the conforming changes to Section 10.0, Section 13.0, and Section 16.0 are appropriate in light of NERC's proposal to remove the requirement for NERC to maintain ANSI accreditation? If not, please explain.

Yes
 No

Comments:

Posting of Standard Authorization Requests (SARs)

NERC proposes to revise Section 4.2 SAR Posting to clarify which SARs can be posted for informal comment periods (i.e. comment periods for which the drafting team reviews and considers comments, but is not required to respond in writing to each comment submitted).

3. Do you agree that SARs developed to address Board of Trustees directives, under proposed Rules of Procedure Rule 322, should be eligible for informal posting in the same manner as regulatory directives? If not, please explain.

Yes
 No

Comments: Do you agree that SARs vetted by a NERC technical committee should be eligible for informal posting? If not, please explain.

Yes
 No

Comments: SAR’s vetted by NERC technical committees may not always include full industry involvement. To not subject these SARs to reply comments would violate the two Essential

Attributes noted in the prior answer. A formal comment period will allow more industry consideration early in the process which is important for defining the scope of a standards development project that will result from the SAR.

4. Do you agree that the proposed revision to Section 4.1 clarifies that supporting technical foundation documents are not required for all submitted SARs? If not, please explain.

Yes
 No

Comments: All SAR's must be based on a technical foundation document which can weigh the reliability risks being addressed.

Standards Comment Periods

Summary: With the proposed revision to Section 300 of the ROP to eliminate the requirement for continued ANSI accreditation, NERC proposes to revise Section 4.0 of the SPM to implement a tiered structure for comment periods. For many projects, the number of unresolved issues and the scope of proposed changes tend to narrow over multiple successive ballot periods. The proposed tiered structure would provide flexibility to drafting teams to consider shorter comment periods for additional ballots, where appropriate in light of the incremental changes that they are making. (This is optional; longer comment periods are still available.) Conforming changes are also proposed throughout the SPM.

5. Do you agree that the initial formal comment period should remain 45 days long, as specified in Section 4.7? If not, please explain.

Yes
 No

Comments: Yes, NYSRC supports streamlining the process in this way.

6. Do you agree that the minimum length of comment periods can (but is not required to) be shortened for additional comment periods and ballots, as proposed in Section 4.12? If not, please explain.

Yes
 No

Comments: Yes, NYSRC supports streamlining the process in this way.

Elimination of Requirement for Final Ballot to Confirm Consensus

With the proposed revision to Section 300 of the ROP to eliminate the requirement for continued ANSI accreditation, NERC proposes to remove the requirement in current SPM Section 4.13-4.14 to conduct a final ballot for all standards actions. Instead, NERC proposes to conclude the ballot process where the team has made a good faith effort at resolving applicable objections, the team is not making any substantive changes, and the draft standard achieved the required weighted segment approval on the previous ballot. NERC would be required to post the final outcome, including the ballot results and identification of any non-substantive changes made by the drafting team following the ballot. Conforming changes are also proposed throughout the SPM (e.g., Section 12.0).

7. Do you agree with the proposal to eliminate the final ballot in all cases where the team has made a good faith effort at resolving applicable objections, the team is not making any substantive changes, and the draft standard achieved the required weighted segment approval on the previous ballot? If not, please explain.

Yes
 No

Comments: Yes, NYSRC supports streamlining the process in this way.

8. Do you agree that the proposed revision to Section 4.12 provides clarity on the circumstances under which the Standards Committee can end a project that has not achieved consensus over multiple ballots? If not, please explain.

Yes
 No

Comments:

9. Do you agree that the proposed conforming changes throughout the SPM to eliminate reference to the “final ballot” are appropriate? If not, please explain.

Yes
 No

Comments:

Other Revisions

10. NERC proposes to revise Section 4.14 to conform with proposed changes to the ROP; specifically, the addition of proposed Rule 322 regarding Board of Trustees directives. Do you agree with the proposed change? If not, please explain.

Yes
 No

Comments:

11. Please provide any other comments for the team to consider, if desired.

Comments: Consider changing the SPM where needed to address the following proposed change to the proposed ROP Rule 322 provided in separate comments by the NYSRC regarding the ROP changes. NYSRC believes the NERC Regions and subregional bodies such as NYSRC have valuable experience and expertise which should be brought to the attention to the BoT during any BoT directed standards development situation. This is particularly true with respect to resource adequacy, which is a high priority risk identified by the ERO.

Proposed ROP Rule 322 (3) - The Board of Trustees may direct the development of a new or revised Reliability Standard, as originally proposed or with modifications, if it determines that such action is just, reasonable, not unduly discriminatory, and in the public interest. In making this determination, the Board of Trustees shall consider any advice provided by the Member Representatives Committee, as well as any comments provided by the public, NERC standing committees, NERC Regions, Subregional regulatory authorities, Applicable Governmental Authorities, or NERC management.

**Comments of the New York State Reliability Council (NYSRC) Relative to the
Proposed NERC Rules of Procedure (ROP) Changes**

March 3, 2023

Regarding the [Section 300, Rules of Procedure changes - redline](#), (ROP) the NYSRC offers the following comments. In past policy input to the NERC BoT, the NYSRC noted its support for making the NERC standards development process more nimble. The streamlining of the process proposed by the SPEG, and the BoT is generally welcomed. NYSRC offers a few comments on the proposed ROP as outlined below.

Background on the NYSRC

The NYSRC was approved by the Federal Energy Regulatory Commission (FERC) at the same time as the formation of the New York State Independent System Operator (NYISO) to ensure that the reliability of New York State’s bulk power system would be maintained in the transition to a fully competitive wholesale electricity market. The NYSRC has fulfilled this responsibility for more than 20 years. The NYSRC accomplishes this through the adoption of Reliability Rules that establish necessary requirements to protect the reliability of New York State’s portion of the bulk power system. These rules are more specific or more stringent than and are inclusive of NERC and NPCC Standards. They are binding on the NYISO and its market participants. The ability of a subregional body such as the NYSRC to promulgate more stringent rules is enshrined in the Savings Provisions of FPA § 215(i). Thus, the NYSRC has a vested interest in assuring that the processes NERC or its Board of Trustees implement are consistent with its authorities as granted by the FERC.

Proposed ROP Rule 309

With respect to the proposed changes to ROP Rule 309, the NYSRC supports the changes as written.

Proposed Removal of ROP Rule 316

- NYSRC supports removing the requirement for NERC’s standards development process to be accredited by [ANSI](#).
 - The proposed ROP Rule 304 outlines the Essential Principles NERC plans to follow which parallel those of ANSI, so in that sense ANSI accreditation is redundant. Note in separate comments regarding the SPM, NYSRC recommends that the title for SPM section 1.4 be conformed to the title of ROP Rule 304 as follows: “Essential Requirements for NERC’s Reliability Standards Development Process”.

Proposed Changes to ROP Rules 321 and new ROP Rule 322

- NYSRC supports the proposed changes to ROP Rule 321 which are proposed by NERC as changes needed to adjust ROP Rule 321 to the addition of proposed ROP Rule 322.
- NYSRC generally supports the addition of ROP Rule 322, however offers the following comments and suggested changes:

- Consider changing proposed ROP 322 (and the SPM where needed) to address the following proposed change to the proposed ROP Rule 322. The SPM changes are provided in separate comments.
- NYSRC believes the NERC Regions and subregional bodies such as NYSRC have valuable experience and expertise which should be brought to the attention to the BoT during any BoT directed standards development situation. For example, this is particularly true with respect to resource adequacy, which has been identified by the ERO as a high priority risk.
 - *Proposed ROP Rule 322 (3) - The Board of Trustees may direct the development of a new or revised Reliability Standard, as originally proposed or with modifications, if it determines that such action is just, reasonable, not unduly discriminatory, and in the public interest. In making this determination, the Board of Trustees shall consider any advice provided by the Member Representatives Committee, as well as any comments provided by the public, NERC standing committees, NERC Regions, Subregional regulatory authorities, Applicable Governmental Authorities, or NERC management.*
- Additionally, NYSRC recommends that proposed ROP Rule 322 be further amended to include a mandatory revisit period for any NERC BoT standards initiated under ROP Rule 322. NYSRC recommends that any standard developed under ROP Rule 322 be limited in its duration to no longer than five years and that during the five-year period such a reliability standard must be reviewed as to its effectiveness in mitigating the urgent or exigent circumstances driven reliability risk that caused the Board of Trustees to direct that it be created. This review would lead to a SAR and any SAR for permanent adoption would then be re-submitted to the industry via the SPM process for approval. These newly promulgated Standard(s) would then replace (or confirm) the urgently created BoT directed standard with permanent Standard(s) or requirements.
- NYSRC notes that in the past NERC has applied an urgent action approach to its regulatory products. NYSRC believes this urgent action tool is necessary but with limits. Please reference the [urgent action outline](#) on the NERC's website which may be used as a guide for temporary standards, but instead of being initiated by the NERC Standards Committee it could also be initiated by the BoT under ROP Rule 322.

Thank you for consideration of these comments. Requests for clarification may be direct to the NYSRC Executive Committee Secretary, Herb Schrayshuen 315 439 1390, herb@poweradvisorsllc.com