

UNITES STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Reliability Standards Development and
NERC and Regional Entity Enforcement

Docket No. AD10-14-000

Comments of Joint Consumer Advocates on
FERC-NERC Relations

The National Association of State Consumer Advocates (NASUCA), National Consumer Law Center, Inc. (NCLC), Public Citizen's Energy Program, and the Electricity Consumers Resource Council (ELCON) (together, "Joint Consumer Advocates") appreciate the opportunity to submit post-conference comments on reliability standards development and NERC and Regional Entity enforcement of such standards.

During the July 6 FERC Technical Conference, there was considerable discussion about the creation of a new CEO-level forum to interface with FERC Commissioners as one component of improving FERC-NERC communications.

As representatives of organizations with a vital interest in effective and efficient wholesale electricity, our initial reaction to such a proposal is one of considerable concern.

For years the old NERC – the North American Electric Reliability Council – was almost exclusively comprised of representatives from the investor-owned utility (IOU) community. Others, including representatives from consumer groups, were effectively excluded from NERC's committees and operation. The new NERC is to be commended for its fair, balanced, open and inclusive operation. We believe the new NERC is responsive to the needs of all stakeholders, including consumers.

We certainly understand why IOU CEOs would jump at the chance to participate in what the press described as a forum to "bring together FERC commissioners, NERC executives and CEOs of major utilities, among others, to discuss electric reliability issues 'preemptively' before the commission weighs in." The lack of any consumer participation, while perhaps an oversight, is striking.

We support the concept of high-level discussions, consistent with the requirements of the Federal Advisory Committee Act, as Chairman Wellinghoff has suggested, and we agree that such a forum might well decrease the possibility of protracted legal challenges. But we fear that the CEO-level forum being proposed would, in practice, result in an exclusive group with minimal if any consumer representation. We all support greater FERC-NERC communication and cooperation, but we believe that we should try to achieve that objective using the existing structure before we create new entities and new procedures.

Respectfully submitted,
JOINT CONSUMER ADVOCATES

NOTICES & COMMUNICATIONS

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