

▶ New Brunswick – US Comparator

Standard-Making and Enforcement Functions

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CURRENT RELIABILITY STANDARDS

Below is a link to the reliability standards currently in effect in New Brunswick:

www.nbeub.ca/index.php/en/electricity/reliability-compliance/new-brunswick-approved-reliability-standards

KEY ORGANIZATIONS IN NEW BRUNSWICK'S ELECTRICITY SECTOR

DEPARTMENT OF ENERGY AND MINES

The New Brunswick Department of Energy and Mines is responsible for setting the policy and legislative framework for New Brunswick's electricity system. The Department administers the Electricity Act and Reliability Standards Regulation which establishes the authority and requirements for the adoption and enforcement of electric reliability standards in New Brunswick.

NEW BRUNSWICK ENERGY AND UTILITIES BOARD

The New Brunswick Energy and Utilities Board (NBEUB) is an independent, quasi-judicial board that regulates New Brunswick's electricity sector. The NBEUB has the responsibility under the Electricity Act to adopt and enforce reliability standards in New Brunswick. The NBEUB implements the Reliability Standards Regulation which addresses the adoption of standards, determination of the bulk power system, compliance registrations and compliance monitoring and enforcement processes.

NEW BRUNSWICK POWER CORPORATION

The New Brunswick Power Corporation (NBPC) is a Crown corporation and the province's vertically integrated electric utility. In addition to its responsibility to comply with reliability standards applicable to its functions, NBPC is also responsible under the Electricity Act to make filings to the EUB to update reliability standards, maintain a list of bulk power system elements and to make recommendations on compliance registrations.

The following table identifies the provincial organizations responsible for each of the functions that underpin the framework for monitoring and enforcing compliance with reliability standards in the province, and the U.S. organizations that support this framework. It also identifies the U.S. organizations that are involved in standards development, monitoring and enforcing compliance with reliability standards in the U.S.

FUNCTIONS ¹		PROVINCIAL ORGANIZATION	RELEVANT US ORGANIZATION	US COMPARATOR
STANDARDS MAKING ²	Standards Approval	NBEUB ⁽¹⁾	Not Applicable	FERC
	Standards Development	Not Applicable	NERC	NERC NPCC
	Entity Registration	NBEUB ^(2,3)	NPCC Recommendations to NBEUB ⁽⁴⁾	NERC NPCC
COMPLIANCE MONITORING	Compliance Monitoring and Violation Detection	NBEUB	NPCC ⁽⁵⁾	FERC NERC NPCC
ENFORCEMENT PROCESSES	Execution of Investigations	NBEUB	NPCC ⁽⁶⁾	FERC NERC NPCC
	Violation Determination and Sanction Imposition	NBEUB	NPCC recommendations to NBEUB ⁽⁷⁾	FERC NERC
VIOLATION PREVENTION AND OUTREACH	Violation Prevention, Outreach, including education	N/A	NERC/ NPCC	FERC NERC NPCC
APPEALS	First Right of Appeal	NBEUB Review or Hearing	Not Applicable	NPCC Hearing Body
	Second Right of Appeal	NBEUB Appeal ⁽⁸⁾	Not Applicable	NERC Board of Trustees Compliance Committee (BOT CC)
	Third Right of Appeal	A person aggrieved by an order of the NBEUB can make an application for judicial review to The Court of Appeal of New Brunswick.	Not Applicable	FERC
OVERSIGHT	Approval of New Brunswick's "rules of procedure"	Lieutenant Governor in Council ⁽⁹⁾	Not Applicable	FERC

FUNCTIONS ¹		PROVINCIAL ORGANIZATION	RELEVANT US ORGANIZATION	US COMPARATOR
	Approval of New Brunswick's Compliance Monitoring and Enforcement Implementation Plan	NBEUB	NPCC Recommendations to EUB ⁽¹⁰⁾	NERC NPCC
	Performance Oversight of CMEP	NBEUB	Not Applicable	NERC BOT CC

TABLE DEFINITIONS

PROVINCIAL ORGANIZATION

The New Brunswick organization accountable and responsible for performing the function according to provincial legislation.

RELEVANT US ORGANIZATION

The US organization responsible for performing the function according to an executed agreement for the provision of services.

US COMPARATOR

The US organization that is responsible for performing the functions according to US law.

TABLE NOTES

(1) STANDARDS APPROVAL

Authority- Pursuant to Section 119 of the *Electricity Act* and the *Reliability Standards Regulation*, the NBEUB may approve NERC reliability standards that have been approved by FERC and filed by NBPC, with or without NB amendments.

NERC Standards Filing- NBPC files standards with the NBEUB for approval within 60 days of the FERC approval effective date.

Standard Review- NBPC reviews NERC standards and files with an accompanying NB Appendix to describe the specific application of the standard in NB.

Public Process- the NBEUB notifies NERC, NPCC and NB Registered Entities when NBPC files an application for approval and the filed materials are publically available on the NBEUB website for a 60-day comment period.

Approval/Remand – NBEUB approves the application as filed unless there are substantive revisions to the FERC approved version, or if there are substantive comments received during the review period, in which case the NBEUB may hold a hearing and may determine to approve, not approve or remand the proposed reliability standard back to NBPC.

(2) BULK POWER SYSTEM

The NB BPS is determined according to the FERC approved definition of the bulk electric system, as it appears in the “NERC Glossary of Terms Used in Reliability Standards”. NBPC is required to file updates to the BPS and may submit requests for BPS exceptions to the NBEUB for approval.

(3) ENTITY REGISTRATION

The NBEUB maintains a NB Compliance Registry identifying those owners, users and operators of the BPS who must comply with approved reliability standards. The NB registry is based on the NERC functional model and registry criteria. NBPC is required to make recommendations to the NBEUB to maintain the compliance registry.

(4) NPCC RECOMMENDATIONS FOR ENTITY REGISTRATIONS

NPCC provides recommendations to the NBEUB for entity registrations under the provisions of a service agreement the NBEUB has executed with NPCC.

(5) COMPLIANCE MONITORING

The NBEUB implements a compliance monitoring system for reliability standards that is based on the requirements of the NERC compliance program. The NB program is documented as the New Brunswick Compliance Monitoring and Enforcement Program (NB CMEP) – Schedule A to the Reliability Standards Regulation. As a recognized compliance body under the regulations, NPCC assists the NBEUB with compliance monitoring activities according to a service agreement the NBEUB has executed with NPCC.

(6) INVESTIGATIONS

The NBEUB is responsible for compliance investigations in New Brunswick. NPCC assists the NBEUB with compliance investigations in NB according to a service agreement the NBEUB has executed with NPCC. The NBEUB may also request NERC to assist with compliance investigations.

(7) VIOLATION DETERMINATION AND SANCTION IMPOSITION

The NBEUB is responsible for the determination of violations, enforcement action and imposition of fines and penalties. Under a service agreement the NBEUB has executed with NPCC, NPCC makes

recommendations on enforcement matters to the NBEUB including recommendations on dismissals, find fix track actions, mitigation plans, settlement agreements and penalties and sanctions. The NBEUB may request that NPCC include a NERC review and comments on NPCC enforcement recommendations to the NBEUB.

(8) APPEALS TO NBEUB

A person may appeal to the NBEUB a decision from a review or compliance hearing relating to contested violations, mitigation plans and penalties and sanctions.

(9) NB “RULES OF PROCEDURE”

NB does not adopt a separate rules of procedure document, compliance program requirements (including the NB CMEP), are incorporated into provincial regulations that require LGIC approval to modify.

(10) NB ANNUAL IMPLEMENTATION PLAN

The NB AIP is based on the NERC and NPCC implementation plans and may include NB specific requirements. Under a service agreement the NBEUB has executed with NPCC, NPCC makes recommendations to the NBEUB for a NB AIP.