

November 7, 2024

Jodi Woods  
Director, Market Monitoring Unit  
Southwest Power Pool

Re: Request for Information

The North American Electric Reliability Corporation (NERC) is responsible for protecting Confidential Information in accordance with Section 1500 of the NERC Rules of Procedure (ROP).<sup>1</sup> Confidential Information includes, for example, generation outage data (GADS) collected pursuant to Section 1600 of the NERC ROP. Section 1503 of the ROP governs the process by which a third party may request access to Confidential Information.

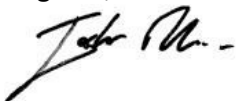
On June 24, 2024, the Market Monitoring Unit of the Southwest Power Pool (SPP MMU) requested ongoing access to unit-specific, confidential, GADS data to support the SPP MMU's market monitoring activities. The SPP MMU's letter states that:

"The unit-specific GADS reporting data being requested includes the cause codes entered by the generator operator, the applicable unit code, the cause code's time stamp, and any notes or descriptions associated with the reported outage for any current NERC registered resources. We are requesting all relevant current and historical data from 2022 onwards."

The SPP MMU provides that, "Our intent of gaining access to the data is to improve our ability to uncover misconduct. Our sole focus on this matter is on outages and their effects on the marketplace and SPP's capacity construct."

After consideration, NERC hereby issues this decision not to grant the request on the basis that: (i) the data is solely sought to support market monitoring activities, rather than reliability activities; (ii) generation outage data is already available; and (iii) the requesting entity could pursue tariff revisions to enhance the ability to validate available data, without NERC sharing confidential GADS.

Regards,



John Moura  
Director, Reliability Assessments and Performance Analysis

Enc. SPP MMU Request for Information

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<sup>1</sup> See, NERC Rules of Procedure ("ROP"), Section 1500, available at [https://www.nerc.com/AboutNERC/RulesOfProcedure/NERC%20ROP%20effective%2020220825\\_no%20appendicies.pdf](https://www.nerc.com/AboutNERC/RulesOfProcedure/NERC%20ROP%20effective%2020220825_no%20appendicies.pdf)



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MARKET MONITORING UNIT

## Request for Information

6/24/2024

Candice Castaneda  
North American Electric Reliability Corporation  
3353 Peachtree Road NE – North Tower  
Atlanta, GA 30326

Dear Ms. Castaneda:

As part of our ongoing commitment to compliance with regulatory requirements and pursuant to the North American Electric Reliability Corporation's (NERC) Rules of Procedure – § 1503.2, the Market Monitoring Unit (MMU) of Southwest Power Pool (SPP) hereby requests access to unit-specific non-public data organized and retained within the Generator Availability Data System (GADS).

The MMU fills an independent and objective role within all Regional Transmission Organizations (RTO) and Independent System Operators (ISO). While SPP's MMU is internal to SPP, we are distinctly independent of the SPP RTO, state regulators, the Federal Energy Regulatory Commission (FERC), and market participants. As outlined in the SPP Open Access Transmission Tariff (the "SPP OATT"), Attachment AG, § 1.3, our mission is to:

- a. monitor and report on possible abuses of horizontal and vertical market power and gaming in Markets and Services by any Market Participant
- b. identify market design flaws and recommend any changes in design to improve the operation of Markets and Services for the benefit of consumers and Market Participants, and
- c. monitor Market Participants' compliance with market rules.

We work to ensure that our functions and activities are implemented fairly and consistently. Our objective is to protect and foster competition while minimizing interference with open and competitive markets.

The unit-specific GADS reporting data being requested includes the cause codes entered by the generator operator, the applicable unit code, the cause code's time stamp, and any notes or descriptions associated with the reported outage for any current NERC registered resources. We are requesting all relevant current and historical data from 2022 onwards. This data is salient to the MMU's ability to comprehensively perform our market monitoring functions. This data will be cross-referenced with the unit's Control Room Operations Window (CROW) submissions and market offers to identify discrepancies which may warrant further investigation. Cross-referencing data between CROW and GADS facilitates continuity by filling in potential gaps in either system, creating a more complete and reliable data set. Additionally, this practice can highlight discrepancies between the two systems, enabling the MMU to identify and resolve inconsistencies, thereby signaling the need for further investigation or improving the overall data set. While CROW is a resource that gives the MMU access to outage related data, SPP's current Tariff substantially lacks mechanisms that ensure consistency and transparency; an issue that can be substantially improved with authorization to GADS. These



## MARKET MONITORING UNIT

investigations look for market manipulation, physical withholding, and any other nefarious market behaviors. It is worth noting that we are not auditors and will not be performing an audit function. Auditors gauge the effectiveness of entities' processes and related controls, often at regular, continuous cycles. While the MMU may review certain aspects of an entity's business, it is driven by a concern of misconduct observed in the market. Our intent of gaining access to the data is to improve our ability to uncover misconduct. Our sole focus on this matter is on outages and their effects on the marketplace and SPP's capacity construct.

While the MMU has jurisdiction to request data and information, pursuant to the SPP OATT, Attachment AG, § 8.3, it lacks uniformity in duty of candor obligations for some market participants and generator operators. A potential solution is to add material changes to SPP's tariff that would require the data to be transmitted directly through SPP or the market monitor, however, this is a lengthy and arduous task that will create an untenable gap in the MMU's commitment towards its FERC-codified directive.

In closing, SPP's MMU does not seek public disclosure of the data being requested, and if approved, agrees to maintain confidentiality of any information received – in accordance with NERC Rules of Procedure, § 1503.2.2.3. As such, the MMU agrees to execute NERC's required non-disclosure agreement as stipulated in NERC Rules of Procedure § 1503.2.2.3.

Should you have any questions or require clarification regarding this request, please do not hesitate to contact Raleigh Mohr at [rmohr@spp.org](mailto:rmohr@spp.org).

Thank you in advance for your cooperation and prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jodi Woods".

Jodi Woods  
Director, Market Monitoring Unit  
Southwest Power Pool  
(501)614-3282 • [jwoods@spp.org](mailto:jwoods@spp.org)