

operations or reliability functions provides information not contained on the RIN to an employee of the public utility that is engaged in the merchant function or to an employee of an affiliate of the public utility, the public utility must immediately post such information on the RIN.

(f)(1) The employees of the public utility that are engaged in transmission system operations must apply all tariff provisions relating to the sale or purchase of wholesale transmission service in a fair and impartial manner that treats all customers (including the public utility's employees conducting wholesale merchant functions and employees of any affiliate) alike, if these provisions involve discretion.

(2) The public utility must keep a log, available for after-the-fact Commission audit, detailing the circumstances and manner in which it exercised its discretion under any terms of the tariff.

(g) The employees of the public utility that are engaged in transmission system operations must strictly enforce all tariff provisions relating to the sale or purchase of wholesale transmission service, if these provisions do not provide for the use of discretion.

(h) The public utility may not, through its tariffs or otherwise, give preference to wholesale purchases or sales made for itself or any affiliate over the interests of any other wholesale customer in matters relating to the sale or purchase of transmission service (including issues of price, curtailments, scheduling, priority, etc.).

(i) If the public utility offers discounts to purchases made for itself or for any affiliate, then it must, at the same time, offer on the RIN comparable discounts for similar service to all transmission customers.

(j) A public utility must maintain its books of account and records separately from those of its affiliates.

(k) Within 60 days of publication of the final rule in the Federal Register, the public utility must file with the Commission procedures that will enable customers and the Commission to determine that the public utility is in compliance with the requirements in this section.

§ 37.7 RIN uses.

The information posted on the RIN must allow transmission customers to:

(a) make requests for transmission services offered by Transmission Providers and the secondary market;

(b) view and download in standard formats, using standard protocols, necessary information regarding the transmission system to enable prudent business decision making;

(c) post, view, upload and download information regarding available products and desired services;

(d) clearly identify the degree to which their transmission service requests and/or schedules were denied or curtailed relative to those of their competitors; and

(e) obtain access in electronic format information to support available transmission capability calculations and historical transmission service requests and schedules for various audit purposes.

§ 37.8 Information requirements for transmission service.

(a) The RIN must support the posting of available transmission capability and the processing of requests electronically.

(b) The RIN must provide a mechanism to enable Transmission Providers and Customers to promptly communicate requests and responses to buy and sell available transmission capability offered under the Transmission Providers' tariffs.

(c) For requests for transmission service to begin more than one year from the date of the request, transmission studies need not be performed to calculate ATCs, see § 37.9(a)(1), until a request for service is made. However, any planning or specifically requested studies of the transmission network performed by the Transmission Provider are to be available for download on the RIN. (This applies only to those parts of customer-specific interconnection studies that relate to network impacts).

§ 37.9 Information to be posted on a RIN.

(a) Five major types of information must be posted on the RIN: (1) Available Transfer Capability (ATC) and Total Transfer Capability (TTC);

(2) Transmission Providers' and Resellers' Transmission Service Product Offerings and Prices;

(3) Transmission Providers' and Third Parties' Ancillary Service Product Offerings and Prices;

(4) Specific Transmission Service Requests/Responses; and

(5) Informal Transmission Communications.

(b) Information on ATC and TTC shall be posted on the RIN in accordance with the following: (1) The Transmission Provider must inform all participants simultaneously in the wholesale market of the transfer capability that is expected to be available on transmission paths of the Transmission Provider's system and each path's total transfer capability. The Transmission Provider may delegate this responsibility to a suitable third party who maintains that

Transmission Providers' RIN, such as an Independent System Operator, a Regional Transmission Group, or a Regional Reliability Council.

(2) The ATC/TTC shall be calculated by the Responsible Party (the Transmission Provider or its designated agent) according to consistently applied industry practices, standards and criteria, or criteria referenced in the Transmission Provider's transmission tariff.

(3) The amount of ATC posted shall be that amount that the Responsible Party expects, in good faith, to be available on a specific interface or Path in a specific direction, based on engineering analysis and other information that is available to the Responsible Party at the time of the posting. ATCs and TTCs as required in the Posting Schedule must be posted in megawatts.

(4) Curtailment provisions associated with ATC must be incorporated in the posting and must be made available to all Transmission Customers.

(5) Transmission tariffs provide an application procedure for Transmission Customers to request transmission service. At the time of the application, and in accordance with the provisions of those tariffs, the Transmission Provider (or its designated agent) must inform the requester if the Transmission Provider can honor the request. If not, the Transmission Provider must provide an explanation of additional information that is needed to evaluate the request, or identify prior pending requests that prevent acceptance of the full request, regardless of the posted ATC/TTC values.

(6) The public utility must make all data used to calculate ATC/TTC publicly available. This information must be available for download on the RIN. The Transmission Provider must identify in its information supporting its ATC calculations the limiting element and the cause of the limit (e.g., thermal, voltage, stability). Whatever method is used to determine capability must be applied consistently.

(c) Information on Transmission Providers' and Resellers' Transmission Service Product Offerings and Prices must be posted on the RIN in accordance with the following: (1) Transmission Providers and Resellers must post the prices, terms and conditions associated with the transmission products that they offer to Transmission Customers. Transmission Providers must also provide a downloadable file of their complete tariff in the format required in the Open Access rule.