The Western Interconnection Regional Advisory Body staff, Western Resource Advocates, Natural Resources Defense Council, and Western Grid Group (together Joint Commenters) appreciate the opportunity to comment on the October 12th draft of Peak Reliability’s Universal Data Sharing Agreement (UDSA) and accompanying documents. Individually and jointly we have responded to past iterations of the draft UDSA.

In our joint response to the August 20th version of the draft UDSA, we, the Joint Commenters, provided an alternative Exhibit A (Alternative Exhibit A) to the UDSA which specifies the review process we believe Peak should use to evaluate third party data requests. Key components of this alternative include:

- An active role for Peak in the evaluation and decision-making process;
- A balanced review process that treats Data Requestors and Data Providers alike;
- Clearly articulated criteria for putting data elements into data sensitivity categories;
- Clearly articulated criteria for determining if a data request is valid;
- Clearly articulated criteria for determining if a data requestor is viable.

These principles are minimums that any data sharing review process must meet to gain our support. We continue to stand behind the Alternative Exhibit A submitted on September 21st.

The October 12th version of the UDSA and accompanying documents did not incorporate these principles, and the Task Force and Peak have not explained why they rejected the concepts included in Alternative Exhibit A. We recommend the Board ask the Task Force to provide its response to the Joint Commenters Alternative Exhibit A at the Board’s upcoming Open Webinar on November 16th.

The Joint Commenters submit the following supplemental comments on the Draft UDSA and accompanying documents posted on October 12, 2015.

1. **Peak should make a preliminary recommendation to approve or disapprove a third party data request during Peak’s initial review, and the recommendation should be posted for stakeholder comment.**

   Peak, being an independent entity, is best situated to make an unbiased review of a third party data request and, therefore, should have an active and independent role in confirming the data categorization and evaluating the validity of a third party request and the viability of the requestor. It should not simply relay the third party request to its data-providing members for review and then tally the number of objections it receives. Further, a single Data Provider should
not be able to block data from being shared without indicating how the request fails to meet specified criteria for approval. If a single Data Provider objects and the Data Provider’s data is removed from the dataset, creating an incomplete dataset, whatever reliability improvements that could be gained from the work from the third party may be unattainable.

2. All Peak data, including data listed as Restricted Data, should be eligible to be shared with a viable Data Requestor with a valid request. Data requests for Restricted Data should not be immediately denied but should go through the same vetting process as requests for data in less sensitive data categories.

Peak should strive to share data with viable requestors. However, the criteria to be considered a viable requestor should be more stringent for restricted data than it is for less sensitive data. As an example, to receive Restricted Data, a Data Requestor should have appropriate US security clearances in effect. This will ensure the protection of critical infrastructure information, but will allow those third party Data Requestors who seek access for research and development that will contribute to reliability a means in which they may be able to request and obtain the data.

3. Peak should not be able to deny a valid data request from a viable Data Requestor using the justification that “providing the data would require substantial resources and create an undue burden on Peak or its operations”.

If a third party Data Requestor is willing to pay Peak’s estimated data collection fee, then Peak should not be able to deny a request for lack of resources. It is acceptable that Peak’s response to a valid data request may be delayed if the request would create undue burden on Peak and its operations, but Peak should do all that it can to complete the data request in a timely manner. Part of Peak’s mission is to “share [data] appropriately”. If Peak deems it necessary to hire additional full time employees to be able to respond to data requests that it may receive, it is acceptable for Peak to include in the data collection fee the appropriate amount of additional compensation needed to cover the administrative costs of responding to a valid data request. The application fee Peak collects from all data requests should cover the cost of the initial review of the data request and the additional data collection fee should cover the cost of collecting and providing the data to the third party Data Requestor.

4. Peak should attempt to publically share non-sensitive data on its public website. Masked or aggregated data should be made available and used to create public dashboards for the general public to be able to monitor high-level system conditions.

By publically sharing non-sensitive data via its own website, Peak can reduce the burden of responding to multiple data requests for low-level, non-sensitive data. Peak’s Board has stated that it would like to see Peak address “super-historical” data policy issues. Although a blanketeted “super-historical” policy may not be appropriate for all data Peak collects, Peak has proposed to categorize some data as non-sensitive after a specified amount of time. Peak should create dashboards on its website to give a snapshot of system conditions as well as recent historical
conditions. Many entities, in addition to Peak’s data providing members, would likely be interested in the high-level system condition information that Peak can provide.

Other Reliability Coordinators in North America publically post aggregated operational data on their websites. For example, PJM posts historical metered hourly load by regions, aggregate load forecasts, real time scheduled interchange between regions, historical hourly actual interchange, hourly scheduled interchange, hourly inadvertent interchange by regions, forecasted and actual transmission outages, forecasted aggregate generation outages, and real-time emergency procedures and alerts.\(^1\) PJM also has developed public visualization tools to monitor system conditions in real-time.\(^2\)

5. **Section I.2.c of the Peak USDA should be amended to include the language proposed by WECC.**

On October 22\(^{nd}\), Peak requested feedback on the following language for Section 1.2.c in the draft USDA (proposed changes highlighted):

“WECC may become a Party to this Agreement. WECC’s receipt and use of Covered Data shall be fully subject to this Agreement, including, without limitation, restrictions on use of such data, disclosure limitations, liability, and remedies for breach or potential breach. In addition, WECC shall be strictly prohibited from using Covered Data to initiate or otherwise engage in monitoring registered entities’ compliance with, or enforcement of, any Reliability Standard. WECC is prohibited from sharing Covered Data in connection with a compliance or enforcement action under Section 215 of the Federal Power Act, Section 400 of the NERC Rules of Procedure, or any procedures adopted pursuant to those authorities. **Notwithstanding anything to the contrary herein, WECC may share Covered Data with FERC, NERC and NERC Functional Entities, under appropriate confidentiality protections, as necessary to fulfill its reliability responsibilities.**”

The Joint Commenters support the drafted language because it addresses the concern that WECC will not be able to use USDA data to initiate compliance monitoring of registered entities; but if WECC becomes aware of a possible violation while using the data for another purpose, it does not prohibit WECC from sharing Covered Data with FERC, NERC, and NERC Functional Entities to fulfill its reliability responsibilities.

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