

107TH CONGRESS
1ST SESSION

S. 1231

To amend the Federal Power Act to establish a system for market participants, regulators, and the public to have access to certain information about the operation of electricity power markets and transmission systems.

IN THE SENATE OF THE UNITED STATES

JULY 24, 2001

Mr. WYDEN (for himself and Mr. BURNS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Federal Power Act to establish a system for market participants, regulators, and the public to have access to certain information about the operation of electricity power markets and transmission systems.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Electricity Informa-
5 tion, Disclosure, Efficiency, and Accountability Act”.

1 **SEC. 2. DEFINITIONS.**

2 Section 3 of the Federal Power Act (16 U.S.C. 796)
3 is amended by adding at the end the following:

4 “(26) BULK-POWER SYSTEM.—

5 “(A) IN GENERAL.—The term ‘bulk-power
6 system’ means all facilities and control systems
7 necessary for operating an interconnected
8 transmission grid or any portion of an inter-
9 connected transmission grid.

10 “(B) INCLUSIONS.—The term ‘bulk-power
11 system’ includes—

12 “(i) high-voltage transmission lines,
13 substations, control centers, communica-
14 tions, data, and operations planning facili-
15 ties necessary for the operation of all or
16 any part of the interconnected trans-
17 mission grid;

18 “(ii) energy exchanges associated by
19 law or contract with system operators and
20 used to determine dispatch priority; and

21 “(iii) the output of generating units
22 necessary to maintain bulk-power system
23 reliability.

24 “(27) BULK-POWER SYSTEM OPERATING
25 DATA.—The term ‘bulk-power system operating
26 data’ means—

1 “(A) transmission line and generation fa-
2 cility data necessary for a system operator to
3 ascertain—

4 “(i) available transmission line capac-
5 ity;

6 “(ii) transmission line capacity con-
7 straints; and

8 “(iii) supply and demand for electrical
9 energy; and

10 “(B) other relevant operating data that is
11 available to the system operator and used to
12 maintain bulk-power system reliability.

13 “(28) BULK-POWER SYSTEM RELIABILITY.—
14 The term ‘bulk-power system reliability’ means the
15 degree of performance of a bulk-power system that
16 results in the delivery of electricity to purchasers
17 within industry standards and in the amount nec-
18 essary to maintain adequacy and security of the
19 bulk-power system.

20 “(29) BULK-POWER SYSTEM USER.—The term
21 ‘bulk-power system user’ means an entity that—

22 “(A) sells, purchases, or transmits electric
23 power over a bulk-power system; or

1 “(B) owns, operates, or maintains facilities
2 or control systems that are part of a bulk-power
3 system.

4 “(30) MARKET-BID DATA.—The term ‘market-
5 bid data’ means the price, amount, and delivery lo-
6 cation of electric power offered by a bidder in a com-
7 petitive bidding or price auction process that is used
8 to schedule or allocate use of the bulk-power system
9 transmission capacity or to maintain bulk-power sys-
10 tem reliability.

11 “(31) SYSTEM OPERATOR.—

12 “(A) IN GENERAL.—The term ‘system op-
13 erator’ means an entity that operates or is re-
14 sponsible for the operation of a bulk-power sys-
15 tem.

16 “(B) INCLUSIONS.—The term ‘system op-
17 erator’ includes—

18 “(i) a control-area operator;

19 “(ii) an independent system operator;

20 “(iii) a security coordinator;

21 “(iv) a regional transmission organi-
22 zation;

23 “(v) a transmission company; and

24 “(vi) a transmission system oper-
25 ator.”.

1 **SEC. 3. DISCLOSURE OF BULK-POWER SYSTEM DATA.**

2 Section 213 of the Federal Power Act (16 U.S.C.
3 824l) is amended by adding at the end the following:

4 “(c) BULK-POWER SYSTEM DATA.—

5 “(1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this subsection, the
7 Commission shall promulgate a regulation requiring
8 that each system operator establish an information
9 system that provides, in a standardized format, all
10 users of the bulk-power system, State regulatory au-
11 thorities, and the public access, including access on
12 the Internet,—

13 “(A) to bulk-power system operating data;
14 and

15 “(B) in the case of a system operator that
16 uses a competitive bidding or price auction
17 process conducted by the system operator or by
18 an energy exchange associated by law or con-
19 tract with the system operator that is used to
20 schedule or allocate use of the bulk-power sys-
21 tem transmission capacity or to maintain bulk-
22 power system reliability, to market-bid data.

23 “(2) PROTECTION OF COMMERCIALY SEN-
24 SITIVE DATA.—

25 “(A) PETITION BY BULK-POWER SYSTEM
26 USER.—A bulk-power system user may petition

1 the Commission to keep data subject to disclo-
2 sure under paragraph (1) confidential due to its
3 commercially sensitive nature.

4 “(B) DETERMINATION BY THE COMMIS-
5 SION.—On receiving a petition under subpara-
6 graph (A), the Commission shall—

7 “(i) determine whether there is good
8 cause for keeping the data confidential;
9 and

10 “(ii) if good cause is found under
11 clause (i), instruct the system operator—

12 “(I) not to disclose the data; or

13 “(II) to disclose the data only
14 after a time period specified by the
15 Commission after which the data are
16 no longer commercially sensitive.

17 “(3) PROVISION OF REAL TIME DATA.—A sys-
18 tem operator shall make all bulk-power system oper-
19 ating data available to all users of the bulk-power
20 system on a real time basis, updated hourly to re-
21 flect changes to data in the aggregate.

22 “(4) DISCLOSURE OF IDENTITY OF BIDDERS.—
23 A system operator or energy exchange shall be re-
24 quired to disclose the identity of a bidder only to
25 State regulatory authorities and other authorized

1 Federal or State agencies acting in an official capac-
2 ity on motion filed with the Commission dem-
3 onstrating that the authority or agency is con-
4 ducting an investigation within the jurisdiction of
5 the authority or agency.”.

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