

Railbelt Reliability Council Implementation Committee – Meeting

February 21, 2022

FINAL Minutes

1) Roll-call

The meeting was held via Zoom, was called to order at 1:15 pm, and was chaired by JE.

Primary		Alternate		Organization
Brian Hickey (BH)	Y1	Jeff Warner (JWR)	n	Chugach Electric Association
Frank Perkins (FP)	Y	John Burns (JB)	n	Golden Valley Electric Association
Dave Thomas (DT)	Y	Rick Baldwin (RB)	Y	Homer Electric Association
Julie Estey (JE)	Y	Ed Jenkin (EJ)	Y	Matanuska Electric Association
Lou Florence (LF)	Y2	Shayne Coiley (SC)	n	Doyon Utilities
Dave Burlingame (DB)	Y3	Rob Montgomery (RM)	Y	City of Seward
Kirk Warren (KW)	Y	David Lockard (DL)	n	Alaska Energy Authority
Suzanne Settle (SS)	Y	Sam Dennis (SD)	Y4	Cook Inlet Regional Inc.
Joel Groves (JG)	Y	Mike Craft (MC)	Y	Alaska Environmental Power, LLC
Veri di Suvero (VDS)	Y	Alyssa Sappenfield (ASF)	n	Alaska Public Interest Research Group
Chris Rose (CR)	Y	Greg Stiegel (GS)	n	Renewable Energy Alaska Project (REAP)
Paul Morrison (PM)	Y	Dustin Madden (DM)	n	Large Consumer
Hank Koegel (HK)	Y	David Newman (DN)	n	Unaffiliated seat
<i>Jeff Waller (JWL)</i>	n	<i>James “Jay” Layne (JL)</i>	n	<i>Regulatory Affairs and Public Advocacy</i>
<i>Bob Pickett (BP)</i>	n	<i>Antony Scott (AS)</i>	n	<i>Regulatory Commission of Alaska</i>

Y: Attending n: Not attending v: seat is vacant

Y1: BH joined at 1:32 PM, left at 2:22 PM, rejoined at 3:22 PM.

Y3: DB left at 2:07 PM.

Y2: LF left meeting at 2:30 PM, rejoined at 2:35 PM.

Y4: SD left at 1:48 PM.

IC Consultant	Y/n	Attendance Notes
Tom Lovas, Energy and Resource Economics (TL)	Y	Present through AppCom agenda item.
Dana Zentz, Fish Bay Consulting (DZ)	n	
David Hilt, Grid Reliability (DH)	n	
Steve Mahoney, Manley & Brautigam (SM)	Y	
Elena Romerdahl, Perkins Coie (ER)	Y	
Bayunt Ollek, Sapere (BO)	Y	
Sebastian Orillac, Sapere (SO)	Y	
Rachel Wilson, Synapse (RW)	n	
Lori-Jo Oswald, Wordsworth (LO)	n	
Rena Miller (RMR)	Y	

12 of 13 voting members are initially present, one ex-officio member is initially present.

2) Approval of IC Agenda

MOTION to approve today’s agenda, 1DT, 2HK.

EJ observed he asked TL to stay on through AppCom, but that is after Bylaws item.

MOTION to amend to move AppCom ahead of Bylaws. 1EJ, 2VDS.

SD commented, he can only be on for 45 minutes. If AppCom goes long will have to leave at 2 PM.

MOTION WITHDRAWN 1EJ, 2VDS.

PASSED with no objections. [12-0-1].

3) ExCom Update

a. External Resource Request Approved

JG provided update. External resource request brought forward in conformance with the approved process from VDS to provide more support on confidentiality provisions. The request was unanimously approved by ExCom last week with EJ standing in for JE. That has been approved and is moving forward. EJ concurred with nothing to add.

b. Member Engagement in Committee Work Products

EJ provided update. As committees work through deliverables, reminded members to please engage at committee level and not at the IC to maintain efficient workflow.

4) Final RRC Bylaws

SD introduced final bylaws.

VDS asked if SD preferred questions as we go or at the end of his review?

SD provided guidance – he will walk through highlighted version on screen, he did not want questions or comments here. Please send corrections to BySub by Thursday. If you have substantive changes, bring those back to the IC next Monday and we will consider those through the formal amendment process. ‘Final final’ will be in Friday packet.

EJ asked if SD can send out the highlighted version for distribution. SD confirmed yes, via BO.

SD walked through substantive changes in the document.

[BH joined at 1:32 PM, 13 of 13 voting members present.]

JE asked members to mute their audio to allow SD to speak without disruption.

EJ inquired if intent is that all defined terms be capitalized? SD clarified, whatever the style guide says, SD asked EJ to flag any words if he’s concerned.

JE asked if there were any edits worth clarifying or flagging for folks. SD responded, committee considered some changes and dismissed others, but all were conscious decisions of the committee so don’t merit discussion here.

JE admitted a few of those may be application-risk decisions, suggested that those come to the IC so the full IC is aware of those risk-level decisions.

SD responded, there were items that were raised by ER/SM, but they all got resolved to mutual satisfaction. ER concurred.

[SD left meeting at 1:48 PM, 13 of 13 voting members present.]

5) **AppCom**

a. ER-10 Rule Amendment Process

JE transferred to BH, transferred to RMR. RMR brought up JG emailed revisions to document. (1) at 1.0, change ‘...compliance...’ language to “pursuant to”, and (2) change “consider and approve” to just consider, and add “...at compliance filing...” at next sentence, to deemphasize implication that board just rubber stamps the proposed change and emphasize that board considers it, but board approval is required before it goes to RCA. Changes made prior to motion with no objections raised.

RB requested at 1.0, change AS 42.05.762(3) definition to AAC 46.999(b).

RMR asked ER to weigh in on this. ER commented, rationale for citing AS vs AAC is because the regulatory definition doesn’t quite work. There’s a bust there, and citing AS directly sidesteps the matter.

EJ commented TarCom also recognized that, and the word “rule” is used in regs where it does not mean “Rule”. Don’t care how we do it here, but need to be mindful of this mixed use of the word ‘rule’. ER’s recommendation to cite 762(3) instead of the regulatory definition as a work-around makes sense.

ER confirmed yes, and the issue is the regulatory definition says all uses of “rule” means “Rule”, even though there are instances of rule in the regs that clearly just mean “rule” and not “Rule”.

RB remarked ERs explanation makes sense and withdrew his concern.

ER conceded normally RB’s approach is better, but not warranted here due to this particularity.

TL commented that, to the extent there is differentiation, we made a distinction in the tariff that it is self-contained with respect to its own terminology. Make sure that remains consistent with this document.

JE advised ready for a motion, if no other changes.

RMR counseled no other changes proposed.

MOTION to approve ER-10, Rule Amendment Process, as amended in the meeting. 1BH, 2JG.

EJ requested the first part, as amended, be read back.

RMR read suggested language (“... pursuant to...”)

RB asked whether this applied to rules not required by regulation to be filed with the RCA?

RMR replied no, it applies to rules required to be approved by RCA.

RB observed this is a bit unclear, apologized for being obtuse.

ER clarified AS and AAC requirements.

RB, RCA regs point to rules per 762(3), and 762(4). RB apologized, will review.

EJ observed we are not broadening this beyond the statutory scope of Rules, asked for confirmation.

RMR responded, 46.470 is all about 762(3), so concurred this is limited to the scope under AS and AAC. ER concurred, adheres to 762(3) and does not go beyond that.

EJ thanked RMR for confirmation, RB concurred.

TL asked whether a reference to the 999 definition would still be appropriate. ER replied she didn't feel that was appropriate due to the flaw in the 999 definition.

[DB left meeting at 2:07pm, 13 of 13 voting members present.]

TL and ER discussed, agreed, that the scope is limited to the 762(3) rules. RB concurred.

HK asked if we need anything beyond this – possibly mention rules already approved by RRC?

RMR concurred yes, rules that RRC developed and rules the RCA may require or require amendments to. HK commented there are too many words in here. He doesn't think we need all this language.

MOTION to AMEND to delete everything in 1.0 after the citation to AS 42.05.762(3). 1HK, 2VDS.

Proposed mended section would read as: This process applies to the amendment of rules developed in compliance with or with the intent to comply with Alaska Statute (AS) 42.05.762(3) ~~that have been approved by the Railbelt Reliability Council (RRC) Board of Directors (Board) and approved and validated by the Regulatory Commission of Alaska (RCA) as required by AS 42.05.767 and 3 Alaska Administrative Code (AAC) 46.470, and to rules or rule revisions required by RCA order pursuant to AS 42.05.767 and 3 AAC 46.470(g).~~

ER interjected with rationale for the language.

HK asked why do we need to say it is approved by the RRC? Can the RCA approve it without RRC approval, why say that?

ER concurred you can delete RRC, not RCA, RRC would be implied.

JE asked if the amendment referred to the entire section or just... HK interrupted to say he would rescind his amendment and make another.

MOTION WITHDRAWN 1HK, 2VDS.

MOTION to AMEND to delete “approved... (board) and” under 1.0 of the Rule. 1HK, 2VDS.

Proposed amended section would read as: This process applies to the amendment of rules developed in compliance with or with the intent to comply with Alaska Statute (AS) 42.05.762(3) that have been ~~approved by the Railbelt Reliability Council (RRC) Board of Directors (Board) and~~ approved and validated by the Regulatory Commission of Alaska (RCA) as required by AS 42.05.767 and 3 Alaska Administrative Code (AAC) 46.470, and to rules or rule revisions required by RCA order pursuant to AS 42.05.767 and 3 AAC 46.470(g).

LF requested read of proposed language. RMR read it aloud.

BH observed that the existing language indicated that rules subject to this special approval are subject to this process, and revision would expand that to all rules. BH asked HK to clarify his amendment.

HK admitted he is also confused, he is just trying to streamline language. If BH is confused that is an unintended consequence that is not his intent.

ER clarified, proposed deletion is fine as it speaks to a silent implied step. Deletion doesn't change anything, it just reduces words. Still the narrow scope per ~762(3).

BH continued, for ER, we would have a policy – we want to change some minor rule, now it has to be run by the RCA?

ER clarified no it does not. BH thanked her.

EJ asked if by regulation RCA has ability to approve a rule they have jurisdiction over that may not have been approved by the RRC?

ER replied no, they only consider what we send to them.

RMR interjected, RCA can tell RRC to make a rule. ER clarified, but within the 762(3) scope.

VDS called the question.

AMENDED PASSED with no objections [13-0-0].

[BH left meeting at 2:22 PM, 12 of 13 voting members present.]

MOTION TO AMEND to strike and replace “approved and validated by” with “filed with” at 1.0 of the rule. 1RB, 2HK.

AMENDED PASSED with no objections [12-0-1].

JE called for further discussion.

PASSED with no objections [12-0-1].

b. IC Member Bios

RMR introduced current draft of director bios / stakeholder class qualifications. Highlighted next steps, everyone review their bios and return comments / responses to flagged questions. Have recent submittals from SC and ASF, will integrate those. RMR asked for this back by Friday 2/25.

RB asked, not related to this matter but related to AppCom, do we need to file any motions with the application. Per prior CPCN experience, don't typically file motions with the application. Application approval authorizes the entity to operate consistent with the proposal.

JE concurred and requested the issue be brought to AppCom for further discussion.

6) PubSub

VDS welcomed all to PubSub land. Looking to TA today, if that is the will of the IC.

JE interjected, no (*) with Documents Policy on today's agenda [*indicating it is up for possible IC action*], so not sure folks will be ready to approve.

[LF and TL left at 2:31 PM, 11 of 13 voting members present.]

a. Documents Policy

VDS reviewed Documents Policy.

MOTION to approve as presented, 1VDS, 2DT.

[LF rejoined at 2:35 PM, 12 of 13 voting members present.]

KW thanked JE and VDS, masterful document. Commented on inaccessibility of older Bradley Lake records. They exist, but are hard to access due to their existence on obsolete media. Asked where that notion came from? VDS conceded they probably mischaracterized JWL's comments. Hard to access, not sure if they don't exist or are simply hard to access.

EJ commented, at 6.0(d), he understood rationale for keeping meeting minutes and transcripts but wanted to delete complete agenda packets from the list in 6.0(d). 6.0 (d) refers to records being retained indefinitely.

MOTION to AMEND to move from 6.0(d) "...complete agenda packets..." to (c). 1EJ, 2HK.

EJ spoke to motion, need to keep records and decisions, but agenda packets seem extraneous.

CR spoke against amendment, no real cost impact here. Packets provide more context and information.

VDS suggested we move the language up to (c).

EJ concurred, can be unproductive. Concurred with moving language to (c).

JG observed that sometimes minutes say “as presented”, acknowledging IC current minutes practice is rather informal. Depending on how minutes are written may need the packet to retain the specific context, language, or intent of a motion.

MC commented 15 years is not really that long. Discussions from 15 years ago remain very relevant.

CR commented that because relevant motion to transition text from (d) to (c), he expressed intent to change the time frame in (c).

JE commented, meeting packets will be very small compared to what we have now. Would be excessive, and hard to utilize to permanently keep all that information.

PM returned to JG’s comment. Curable if minutes do contain the full context of a meeting internally.

HK asked SM what normal practice is - minutes do contain the specific language of the motion.

SM confirmed that minutes should be a self-contained document exactly for reasons JG raised.

KW commented hard to say where technology will be in 15 years.

VDS objected.

PM asked that the motion be restated.

JE restated the motion.

AMENDMENT FAILS [6-6-1] with DU, AEA, CIRI, AEP, AKPIRG, and REAP voting against and CEA absent.

MOTION TO AMEND, at part (c), to change 15 years to 50 years. 1CR, 2MC.

CR commented it will require more work to clean up the archives than to just leave them, and records will always have some residual value, so may as well leave it intact. 15 years is short.

MC agreed with CR. 15 years is short in context of the subjects we will be discussing. Don’t know if 50 years is the right answer but better than 15.

FP stated that (c) and (d), seems very similar. What is the difference?

VDS clarified, anything that is not agendas or transcripts, meeting recordings and public comments, are slotted under (c) that are not under (d).

JE spoke against motion, even at the RRC, we hit Zoom limits pretty quick due to the recordings. 15 seems short, 50 seems long. She will need to vote against this.

MOTION TO AMEND THE AMENDMENT to 30 years. 1MC, 2HK.

AMENDMENT AMENDMENT PASSED with no objections [12-0-1].

LF commented, small organization, storage is not free, don't want to waste money on records. Otherwise great document.

LF objected.

[CR left and rejoined the meeting due to technical difficulties, 12 of 13 voting members present.]

AMENDMENT PASSED with no objections [11-1-1] with DU voting against and CEA absent.

MOTION to AMEND, at 5.0 from "and" to "or". 1HK, 2VDS.

HK spoke to motion and subtle difference of language. VDS concurred.

AMENDMENT PASSED with no objections. [12-0-1].

MOTION to AMEND Network reliability statistics to "network reliability compliance monitoring statistics". 1VDS, 2MC.

VDS commented that the proposed language is more correct.

RMR spoke to source language which is the regulations.

AMENDMENT WITHDRAWN. 1VDS, 2MC.

PASSED with no objections [12-0-1].

b. Confidentiality Process Flow Diagram

VDS introduced confidentiality flow chart.

JG asked what the 'R' in RCO is? VDS clarified "regulatory compliance officer". VDS / JG discussion about conformance with prior TA'd RRC org chart. Agreed RCO nuance is staffing issue that will be addressed by RRC budget and staffing narrative. Not directly addressed by current RRC org chart. Indent is that the RCO will be the person doing broader compliance actions.

CR asked for clarification on where in flow chart we were at, VDS clarified and continued walking through the process.

VDS completed walking through the flow chart, solicited feedback.

FP asked if we can't punt known, expected confidential materials (PI, CEII, CII...) out of this review process? VDS concurred, a bypass lane does make sense.

CR commented to thank VDS and PubSub for preparing this. Suggested add 'Petition' to top block to emphasize that element of this.

VDS clarified, this flow chart is not intended to be TA'd it is a committee working doc and intended to help understand the process.

JE asked VDS for next steps on this topic. VDS solicited more feedback on this, NDAs, other elements. If not PubSub will continue development. None offered. VDS suggested will come back Wednesday on public access matters. Is this useful? JE, PM, KW, HK concurred, graphics help. KW offered AEA's process for these matters. Observed AEA process is super complex, this is much more intuitive.

VDS followed up with KW, do prior processes warrant RRC adoption rather than crafting our own?

KW concurred warrants consideration. And retain visuals to help folks understand.

VDS plied with general adulations by the IC at large and FP in particular.

7) BudCom – TAC Process Update

JG gave update. Focus remains on the TAC. Still working through RMR/ER comments, akin to shoveling sugar snow with a pitchfork. Need to address RMR/ER comments without violating the delicate structure that achieved apparent IC consensus, making slow, steady progress. Hope to have clean copy back out of committee this week and then ready to continue LO review by end of the week.

JE advised can route to LO and IC review in parallel. JG said that is acceptable.

PM asked if it will be one or two documents. JG clarified it will remain a single document based in IC discussions last week.

VDS added that BudCom is meeting often and wading through the comments. One item that came up, is that TAC process will likely become a rule. So watch out for that.

JE asked BO about impacts. BO main impact is to BudCom items. If this doesn't get approved until the 7th, then other BudCom items get pushed back. The rest of the delay impacts are manageable - simple consistency check. JE will monitor timing at AppCom and ExCom.

CR raised the prior IC vote to say that TAC charter is a super majority item. If it's called a Rule what does that do? If we are looking at bylaws next week, what does that mean for bylaws approval?

JE making it a Rule, routes it to RCA approvals.

JG asked for clarification on Rules – how is that classification made, and what are the implications for approvals? RMR advised to date AppCom has done this and everything has been clear just from the regulations so little if any gray area. TAC is messier as it addresses several Rule topics but the full document isn't a Rule.

LF thought this would not be a Rule.

RMR reiterates some things in TAC are Rule matters, some are not.

JG clarified where Rule came from. In its internal deliberations BudCom discussed the Rule question, and decided to assume the document would be a Rule in order to decide how much to dither over specific provisions / language.

LF requested, when TAC charter comes back to IC, to provide clarity on whether it is a Rule.

CR commented that regardless of Rule, he wants supermajority approval for the TAC process. If we make it all a Rule we have that requirement already. Calling it a Rule makes it simple.

FP commented that prior discussion was whether to call this a foundational document.

JG suggested a middleground, do not make this a Rule but require supermajority approval. That avoids the perhaps undesirable RCA approval of this document, or of changes to it.

RB cautioned on 'volunteering' things into Rules. Rules can be elements of documents. Can complicate the future.

CR clarified he is looking just for bylaws conflict and furthermore how does the IC approve bylaws on 2/28 if TAC isn't finalized? We had an earlier failed vote to call TAC foundational. May merit revisit prior to Monday so IC knows what to do.

SS to CR, recalled that there were some people out at that vote, also that TAC was still in flux. JG concurred.

JE stated that ExCom can revisit this.

VDS commended all of BudCom on navigating this document.

8) Committee Updates

BySub: No update offered.

TarCom: EJ gave update. Passed budget and workplan today, due to IC on 3/7. That is a wrap for TarCom. Appreciate RMR / ER for solving rules conundrum.

StanCom: No update offered.

IRPcom: JE relayed from DB, working through RMR/ER comments, will determine if meeting is required later. SS commented, did not catch that IRP was pulled, unclear what changed, requested a redline of changes. She asked BO if he could make that happen. BO confirmed will do that. He cautioned that document was never approved.

BudCom: JG provided update. Remained focused on TAC, other matters languishing. Advised that BudCom meeting tomorrow has been cancelled, but meeting Thursday at 3:30 PM. Please send a request for attendance to JG.

PubSub. VDS invited confidentiality junkies to come to meetings. Also Henry, our new contractor, will be there so come and meet him. EJ requested an invite. VDS confirmed they will, and thanked.

AppCom: BH deferred to RMR. RMR gave update. Working through elements of the cover letter. Most of the rules are done, aside from the technical abilities rule and equitable allocation of cost rule. Working more directly in the application.

ExCom. No update.

9) Member Comments

KW advised, after much discussion with family, will be taking career in a new direction. Pleased to have worked with the entire IC. You have the most important item on the Railbelt, and this group will see it through and do it well. AEA will advise of new primary and alternate. Last meeting will be in two weeks. Fairly deep bench at AEA so will have good replacement on RRC and ERO matters. May have KW continue on a contract basis, but that is still under internal discussion at AEA. General appreciation and best wishes to KW from IC members.

JE thanked all for filling in in her absence.

10) Next Week

BO advised, not much on the agenda for Wednesday. Not sure if meeting is needed.

VDS suggested release the time for committee work. Also, could have the meeting for confidentiality work.

JE directed either chat confidentiality or release for committee work.

LF suggested if Wednesday is not a decision point on confidentiality, then cancel it.

JG commented highest best use of that time from BudCom's perspective time is committee work.

JE concurred.

HK also concurred, folks interested in confidentiality can go to PubSub.

JE advised Wednesday meeting is cancelled.

BO advised on Monday meeting scope.

- Bylaws back for approval
- CMEP will be back
- Confidentiality first look.
- IRP will be back.
- ER-14 first look.

- No budget yet, or surcharge yet, or position descriptions, or technical qualifications.

BO emphasized that committee-approved narratives are needed so AppCom can integrate them. Some are introductory, no biggie, but others are more substantive and need ER review before the application goes out for final review.

JE observed the narratives are really easy once you dive into them.

BO counseled may have some deliverables that go in draft form into the 3/14 workshop.

JE reminded all to get travel requests to CEA.

BH reminded all that location is Embassy Suites off Benson in Anchorage. Contractors go through their contracts, others go straight to CEA.

JE advised will do food Monday, on your own for Tuesday? BH clarified, will do breakfast and lunch both Monday and Tuesday, must do these in order to hold the room. Party is Monday night at 49th State.

11) MEETING ADJOURNED AT 4:09 PM.

DEFINITION OF ABBREVIATIONS AND ACRONYMS

All committee members and consultants are identified by their initials, as defined at the roll call table.

1JE, 2JG: Shorthand designating which committee members proposed and seconded motions.

[~]: Secretary's commentary provided for clarity / context as appropriate.

Vote tally shorthand is Y-N-A, yea – nay – absent or abstain.

AAA: American Arbitration Association

AOI: articles of incorporation

AppCom: ERO application subcommittee

BudCom: budget subcommittee

BySub: bylaws subcommittee

CEA: Chugach Electric Association, Inc.

CEO: chief executive officer

CIP: critical infrastructure protection

CGC: corporate governance committee

CME: compliance / monitoring / enforcement (of reliability standards)

COA: chart of accounts

CPA: certified public accountant

CPCN:	certificate of public convenience and necessity
DaveCom:	See IRPcom
DOL:	Department of Law
DU:	Doyon Utilities
ERO:	Electric Reliability Organization
ExCom:	executive committee
FAC:	finance and audit committee
IC:	Implementation Committee
IPP:	independent power producer
IRP:	integrated resource plan
IRPcom:	IRP process subcommittee
LSE:	load-serving entity
MEA:	Matanuska Electric Association, Inc.
NDA:	non-disclosure agreement
NTE:	not to exceed
PC:	Perkins Coie Law Firm
PAC:	public affairs committee
PM:	project management
PMP:	project management professional
Precious:	(1) A spreadsheet listing clauses in the implementing regulations for SB 123's ERO provisions, identifying associated ERO application deliverables, and assigning deliverable preparation responsibility to IC subcommittees. (2) A fancy gold ring.
RAPA:	Regulatory Affairs and Public Advocacy
RCA:	Regulatory Commission of Alaska
RCC:	regulatory cost charge
RE:	registered entity
RRC:	Railbelt Reliability Council
SB:	Senate bill
SES:	Seward Electric System
SOW:	scope of work
SRF:	simplified rate filing

StanCom: standards subcommittee
TA: tentatively approve, tentative approval
TAC: technical advisory committee
TAQ: technical advisory quango
TAT: technical advisory team
TarCom: tariff subcommittee
TIER: times interest earned ratio
UOO: user owner operator
USOA: uniform system of accounts
WG: working group

Attached Documents:

1. Documents Policy