

Annex A

Proposed Amendments to the WESM Rules and the WESM Manual on Information Disclosure and Confidentiality Issue 5.0 Regarding Exceptions for Confidentiality Undertakings for Oversight Bodies

WESM Rules						
Title	Clause	Provision	Proposed Amendment	Rationale	Stakeholder Recommendation	Stakeholder Rationale
CONFIDENTIALITY – Conditions	5.3.3.2	In the case of a disclosure under clause 5.3.2(c), 5.3.2(f) or 5.3.2(i), the WESM member or the Market Operator (as the case may be) who wishes to make the disclosure, shall prior to making the disclosure, inform the proposed recipient of the information that it is confidential information and shall take appropriate precautions, including at the very least securing a written undertaking from the recipient that such recipient will keep the information confidential to ensure that the recipient keeps the information confidential in accordance with the provisions of this clause 5.3 and does not use the information for any purpose other than that permitted under clause 5.3.2.	In the case of a disclosure under clause 5.3.2(c), or 5.3.2(f) or 5.3.2(i) , the <i>WESM member</i> or the <i>Market Operator</i> (as the case may be) who wishes to make the disclosure, shall prior to making the disclosure, inform the proposed recipient of the information that it is confidential information and shall take appropriate precautions, including at the very least securing a written undertaking from the recipient that such recipient will keep the information confidential to ensure that the recipient keeps the information confidential in accordance with the provisions of this clause 5.3 and does not use the information for any purpose other than that permitted under clause 5.3.2.	<p>The regulatory framework of the WESM under Section 1.2.3 of the WESM Rules provides that the DOE “promulgates the detailed rules for the WESM” while the ERC “enforces the rules and regulations governing the operations of the electricity spot market and the activities of the spot Market Operator and other participants in the spot market”. In view of the existing authority of both agencies over the WESM, it is proposed that the DOE and ERC not be required to execute confidentiality and non-disclosure undertakings for WESM data.</p> <p>The clause proposed to be deleted (i.e., WESM Rules Clause 5.3.2(i)) provides confidentiality exceptions to DOE and ERC and any other government authority having jurisdiction over a WESM Member as follows:</p> <p>“5.3.2(i) The disclosure of information to the <i>ERC</i> and <i>DOE</i> and any other government authority having jurisdiction over</p>		

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				a <i>WESM member</i> , pursuant to the <i>WESM Rules</i> or otherwise.”		