

Annex B

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 Manual on Information Disclosure and Confidentiality Issue 5.0					Stakeholder Recommendation	Stakeholder Rationale
Title	Clause	Provision	Proposed Amendment	Rationale		
Protection of Permitted Disclosures	5.4.2	<p>The <i>Market Operator</i> shall require the recipient to execute confidentiality and non-disclosure agreements or undertaking with terms and conditions consistent with this Manual and the WESM Rules. Such terms and conditions will include the undertaking to –</p> <p>a. keep the information provided confidential, and not to disclose the same to any other person or entity;</p> <p>b. to use the information only for the purpose for which it is provided or for purposes permitted by the WESM Rules clause 5.3.2.</p>	<p>The <i>Market Operator</i> shall require the recipient, <u>except for the DOE, ERC and PEMC,</u> to execute confidentiality and non-disclosure agreements or undertaking with terms and conditions consistent with this Manual and the WESM Rules. Such terms and conditions will include the undertaking to –</p> <p>a. keep the information provided confidential, and not to disclose the same to any other person or entity;</p> <p>b. to use the information only for the purpose for which it is provided or for purposes permitted by the WESM Rules clause 5.3.2.</p> <p><u>5.4.3. For all confidential information provided to the DOE and ERC, the Market Operator shall request for confidential treatment of such information.</u></p> <p><u>5.4.4. For all confidential information provided to PEMC, the Market Operator and PEMC shall execute a general non-disclosure and confidentiality agreement to facilitate information sharing.</u></p>	<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>		