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July 11, 2016

Dr. James Merlo  
North American Electric Reliability Corporation  
3353 Peachtree Road, NE  
Suite 600 North Tower,  
Atlanta, GA 30326

Re: Request for Information pursuant to NERC Rules of Procedure Section 1500 – Access to Unit-specific Generating Availability Data System Data

Dear Dr. Merlo,

Pursuant to North American Electric Reliability Corporation (NERC) Rules of Procedure (ROP) Section 1503 – Requests for Information, Electric Reliability Council of Texas, Inc. (ERCOT) submits this request for indefinite authorization to review and use unit-specific Generating Availability Data System (GADS) information that is, or may eventually be, within the possession or control of the Texas Reliability Entity, Inc. (Texas RE).

ERCOT is the sole Reliability Coordinator (RC) and Balancing Authority (BA) within the Texas RE Region. In this role, ERCOT has historically assisted the Texas RE by conducting various studies required for the annual regional self-assessment described in NERC ROP Section 804, Reliability Assessment Data and Information Requirements. Texas RE's self-assessment is one of many regional self-assessments used by NERC to develop the Long-Term Reliability Assessment (LTRA) described in paragraph 1 of NERC ROP Section 803, Reliability Assessment Reports. One of the studies NERC currently requires as a part of the regional self-assessment is a biennial probabilistic study of resource adequacy. This study requires unit-specific outage data in order to determine the probabilities that generators may be unavailable at a given future time. Aggregated data are not sufficient for this purpose.

Unit-specific GADS data are not publicly available and are not available from any source other than NERC or Texas RE. ERCOT does have certain unit-specific outage information, which it obtains from other sources such as its own outage scheduler, telemetry history, and Current Operating Plan history. However, the GADS database is more comprehensive than these other sources of outage information, provides greater detail on unit availability, and is subject to reporting requirements that ensure consistency and common data validations across generation entities and generator types. Additionally, ERCOT's understanding is that many other Independent System Operators (ISOs) / Regional Transmission Operators (RTOs) functioning as RCs and BAs use unit-specific GADS data for their NERC probabilistic reliability assessments. Use of such data by ERCOT therefore helps facilitate grid modeling consistency across NERC Regional Entities.

ERCOT previously sought to obtain access to the unit-specific GADS data by requesting permission directly from the owners of the affected generation assets. Unfortunately, several generator owners

representing a large percentage of the Texas RE Region's generation fleet declined to grant ERCOT's request. Consequently, ERCOT has been forced to use generic unit outage statistics as a proxy.

For the foregoing reasons, and subject to the conditions described below, ERCOT hereby requests that NERC authorize ERCOT to review all available unit-specific data in the GADS database for all generators in, or connected to, the Texas RE Region. As a point of clarification, ERCOT does not require direct access to the GADS database; ERCOT needs only to obtain from Texas RE an extract of those unit-specific data that appear in the GADS database. Also, to avoid the necessity of submitting this request each year, ERCOT requests that NERC grant ERCOT indefinite access to this information unless and until that access is revoked by NERC or Texas RE. Texas RE has informed ERCOT that it supports this access request.

Paragraph 2.3 of NERC ROP Section 1503 would require NERC (or Texas RE) and ERCOT to execute a non-disclosure agreement (NDA) to protect against broader disclosure of non-public information. ERCOT confirms that it is authorized and willing to execute such an NDA. As further required by paragraph 2.3, ERCOT also stipulates that it will maintain as confidential any information it may receive for which a Submitting Party (as defined in NERC ROP Section 1502) has made a claim of confidentiality in accordance with NERC's rules. Specifically, ERCOT represents that it will keep the requested information in a secure location on ERCOT premises available only to ERCOT employees or agents with a need to know this information.

Although ERCOT is not subject to the Freedom of Information Act or the Texas Public Information Act, it has adopted procedures to facilitate access to public information under ERCOT's control,<sup>1</sup> as required by the rules of the Public Utility Commission of Texas.<sup>2</sup> These procedures prohibit ERCOT from disclosing confidential information such as the requested unit-specific GADS data. Specifically, these procedures state that "[i]nformation deemed confidential by contract" is not available to the public.<sup>3</sup> Any information covered by an NDA would therefore come within the scope of this provision. These procedures also deny public access to "[i]nformation that is confidential or privileged by law," which would include the unit-specific GADS data at issue.

As a matter of clarification, ERCOT notes that it plans to retain a consultant to provide technical assistance with the development of future probabilistic reliability assessments. ERCOT therefore requests that the NDA allow for the sharing of confidential information with ERCOT's third-party agents for the limited purpose of facilitating preparation of the required resource adequacy assessments. ERCOT's vendor agreement will include explicit prohibitions against disclosing any information obtained under the agreement to any other party, which would include any unit-specific GADS data ERCOT might obtain from NERC or Texas RE.

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<sup>1</sup> These procedures are posted at <http://www.ercot.com/about/contact/inforequest>. Although ERCOT Protocols prohibit ERCOT from disclosing generator outage data that is less than 60-days old (*see* Protocols § 1.3.1.1(1)(c)), this restriction applies only to information ERCOT receives from a Market Participant or the ERCOT Independent Market Monitor. *See* Protocols § 1.3.1. Thus, the ERCOT Protocols would not likely protect the disclosure of outage information received from NERC.

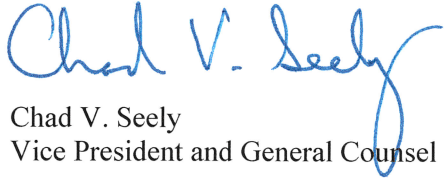
<sup>2</sup> *See* 16 Tex. Admin. Code § 25.362(e).

<sup>3</sup> *See* <http://www.ercot.com/about/contact/inforequest>.

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If you should have any question about this request, please do not hesitate to contact me directly.

Sincerely,



Chad V. Seely  
Vice President and General Counsel

cc: Charles Berardesco, Senior Vice President and General Counsel, NERC  
Lane Lanford, President and Chief Executive Officer, Texas RE  
Jim Albright, Vice President and Chief Program Officer, Texas RE  
Tammy Cooper, General Counsel, Texas RE