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NEWFOUNDLAND AND LABRADOR REGULATION 42/18

Open Access Transmission Regulations
under the
Electrical Power Control Act, 1994
and the
Public Utilities Act
(O.C. 2018-088)

(Filed May 31, 2018)

Under the authority of section 32 of the *Electrical Power Control Act, 1994* and section 120 of the *Public Utilities Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 31, 2018.

Ann Marie Hann
Clerk of the Executive Council

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1. These regulations may be cited as the *Open Access Transmission Regulations* .

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2. In these regulations,

- (a) "code of conduct" means the principles and procedures governing the conduct of the system operator and transmission owner employees, to the extent that they are involved in transmission functions;
- (b) "Maritime Link" means
 - (i) the Maritime Link AC facilities, and
 - (ii) the Maritime Link DC facilities;
- (c) "Maritime Link AC facilities" means the following assets which form part of the Maritime Link:
 - (i) the Bottom Brook 230 kV terminal station,
 - (ii) the Granite Canal 230 kV switchyard, and
 - (iii) the 230 kV transmission line from the Granite Canal switchyard to the Bottom Brook 230 kV terminal station;
- (d) "Maritime Link DC facilities" means the following assets which form part of the Maritime Link:
 - (i) HVDC transmission lines from the Bottom Brook Converter Station to the Cape Ray Transition Compound,
 - (ii) submarine cables from the Cape Ray Transition Compound to Cape Breton ,
 - (iii) the Bottom Brook converter station,
 - (iv) the Cape Ray transition compound, which transitions the transmission line described in subparagraph (i) from overhead to underground,
 - (v) the shore line grounding station located at Port Harmon, and associated grounding line from the Bottom Brook converter station to the grounding station, and
 - (vi) the AC lines connecting the Bottom Brook converter station to the Bottom Brook 230 kV terminal station;
- (e) "marketing functions" means the sale for resale or the submission of offers to sell electric energy or capacity, virtual transactions or financial or physical transmission rights, excluding bundled retail sales, including sales of electric energy made by a provider of last resort acting in its capacity as a provider of last resort;
- (f) "marketing function employee" means an employee, contractor, consultant or agent of the system operator, a transmission owner or an affiliate of the system operator or a

transmission owner who actively and personally engages on a day to day basis in marketing functions;

- (g) "Newfoundland and Labrador System Operator" means a separate division of Newfoundland and Labrador Hydro;
- (h) "transmission functions" means the planning, directing, organizing or carrying out of day to day operations relating to the transmission service on the integrated electric system, including the granting and denying of transmission service requests;
- (i) "transmission function employee" means an employee, contractor, consultant or agent of the system operator, a transmission owner or an affiliate of the system operator or a transmission owner, who actively and personally engages on a day to day basis in transmission functions; and
- (j) "transmission policies and procedures" means the rules and practices applicable to the operation and provision of transmission service on the integrated electric system.

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Integrated electric system exemption

3. For the purposes of subparagraph 2(d)(i) of the *Public Utilities Act* the Maritime Link DC facilities shall be exempted from the definition of "integrated electric system" under that Act.

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System operator

4. Newfoundland and Labrador System Operator is designated as the system operator.

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System operator's duties and functions

5. The system operator shall

- (a) maintain and operate or arrange for a third party to maintain and operate, on a 24-hour basis, one or more control centres for the remote monitoring, control and coordinated operation of the integrated electric system;
- (b) oversee and conduct scheduling, curtailment and interruption of transmission service;
- (c) approve and schedule maintenance and outages for the integrated electric system;
- (d) coordinate with system operators in other jurisdictions respecting
 - (i) the interchange of energy between control areas,
 - (ii) the balancing of system requirements,
 - (iii) the coordination of outages, and
 - (iv) all other functions necessary to maintain a reliable interconnection between the integrated electric system and external control areas;
- (e) facilitate and perform the billing of transmission service charges, the collection of revenues related to transmission service and the distribution of revenues from the collection of transmission charges to the transmission owners; and

- (f) establish and execute a transmission planning program to ensure safe and reliable transmission service.

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System operator exemption

6. The system operator shall be exempted from sections 13, 44, 45, 46, 47, 70, 71, 86.2 and 87 of the *Public Utilities Act* .

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Transmission owners' duties and functions

7. A transmission owner shall, with respect to the part of the integrated electric system owned or managed by the transmission owner

- (a) maintain the integrated electric system in a manner consistent with reliable service;
- (b) install and remove meters and perform metering;
- (c) notify the system operator of any changes to the integrated electric system; and
- (d) notify the system operator before applying to the public utilities board to discontinue an interconnection with the integrated electric system under section 38 of the *Public Utilities Act*.

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Transmission tariff

8. The following documents shall be included in the transmission tariff:

- (a) rates and rate methodology;
- (b) transmission policies and procedures;
- (c) code of conduct; and
- (d) pro forma transmission service agreements for each type of transmission service offered by the system operator.

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Transmission policies and procedures

9. Transmission policies and procedures shall include provisions respecting

- (a) the process for determining transmission customer eligibility;
- (b) the minimum criteria for customer eligibility, including any credit requirements;
- (c) the manner in which a transmission customer is required to apply for transmission service;
- (d) the procedures for the study of transmission service requests to identify any upgrades or modifications to the integrated electric system required to fulfil the requests for transmission service;

- (e) the procedures for scheduling and confirmation of requested transmission service on the integrated electric system;
- (f) the procedures for curtailment or interruption of transmission service;
- (g) the provision of ancillary services; and
- (h) the reliable operation of the integrated electric system.

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Code of conduct

10. The code of conduct shall

- (a) require that decisions relating to day to day operations of the integrated electric system be made independently of the marketing function employees of the system operator or marketing function employees of any affiliates of the system operator;
- (b) prohibit transmission function employees from disclosing the following information to marketing function employees:
 - (i) non-public transmission function information relating to the integrated electric system, and
 - (ii) non-public transmission customer information;
- (c) require that where non-public transmission function information relating to the integrated electric system, other than non-public information referred to in paragraph (d), is disclosed in a manner contrary to the code of conduct,
 - (i) notice of the disclosure be provided to all other transmission customers, and
 - (ii) the disclosed information be made available to all other transmission customers; and
- (d) require that where non-public transmission customer information and critical energy infrastructure information is disclosed in a manner contrary to the code of conduct, notice of the disclosure be provided to all other transmission customers.

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Access to transmission information

11. (1) In addition to the information prescribed in section 14.5 of the *Electrical Power Control Act, 1994*, the system operator shall provide transmission customers with access to the following transmission information:

- (a) available transfer capability, total transfer capability and related information;
- (b) transmission services and applicable rates, tolls, charges and schedules;
- (c) ancillary services and applicable rates, tolls, charges and schedules;
- (d) the transmission service schedule and process information;
- (e) system outages, system conditions and other transmission-related communications;
- (f) data relating to grants and denials of service;

(g) re-dispatch data;

(h) a description of the integrated electric system; and

(i) information relating to transmission planning reports.

(2) The system operator shall provide transmission customers with the information referred to in subsection (1) within one business day of the system operator's receipt of the information.

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